



WEB COPY



W.P.No.34857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.34857 of 2022
and W.M.P.No.34275 of 2022

V.Durgadevi

.. Petitioner

Vs.

1.The District Collector
Office of the District Collector
Krishnagiri District.

2.Revenue Divisional Officer
Office of the RDO
Uthangarai
Krishnagiri District.

3.The Tahsildar
Office of the Tahsildar
Uthangarai
Krishnagiri District.

4.The Block Development Officer
Office of the BDO
Uthangarai, Krishnagiri District.

5.The Director
Department of Town and Country Planning
No.359, DTCP CMDA office campus
ENC Market, Koyambedu
Chennai-107.



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6.The Assistant Director
District Town and Country Planning Office
No.25/2, Nethaji Road
Hosur-635 109.

7.The Sub-Registrar
Office of the Sub-Registrar
Uthangarai.

8.The District Registrar
Office of the District Registrar
Krishnagiri.

9.Venkatachalam

10.Shanthi

11.Thenmozhi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take necessary action against the respondents 9 to 11 and remove the unauthorised construction made by the respondents 9 to 11 in land comprising in old Survey No.28/1A, New Survey No.28/1A2 situated at Eluppakuttapatti Village, for the extent of 4142 sq.ft. in patta No.64 and Krishnagiri District.

For Petitioner : Mr.V.Ashok Kumar
for Mr.N.Stalin

For R1 to R8 : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

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(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed for a direction to the respondents 1 to 4 to take necessary action against the respondents 9 to 11 and remove the unauthorised construction made by the respondents 9 to 11 in the land comprising in old Survey No.28/1A, New Survey No.28/1A2 situated at Eluppakuttapatti Village, Krishnagiri District, to the extent of 4142 sq.ft. in patta No.64.

2.By consent of both the learned counsel appearing for the petitioner and Mr.E.Vijay Anand, the learned Additional Government Pleader, who takes notice for the respondents 1 to 8, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 8 and perused the entire materials available on record.

4.Learned counsel appearing for the petitioner submitted that property in old Survey No.28/1A, New Survey No.28/1A2 situated at



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Eluppakuttapatti Village, Krishnagiri District, measuring to the extent of 4142 sq.ft. belongs to mother of the petitioner, 11th respondent & their sister Saranya and old S.No.28/1F2, New Survey No.28/1F2A measuring to the extent of 3924 sq.ft. belongs to the father of the petitioner, 11th respondent & their sister Saranya. At the instigation of 11th respondent, their mother settled the property on the 11th respondent suppressing the material facts. The petitioner and her younger sister Saranya are also taking action against the said registration and filed suit for partition. While so, the respondents 9 to 11 have constructed commercial building unauthorisedly in the said property without obtaining any building permission and approval. The petitioner gave a representation dated 19.09.2022 to the 6th respondent, who after inspection directed the 4th respondent to take action against the unauthorised construction as per the Town and County Planning Act. The 4th respondent has not taken any action. In such circumstances, the petitioner has come out with the present writ petition.

5.Learned Additional Government Pleader appearing for the respondents 1 to 8 submitted that the 4th respondent will inspect the property in question and if there is any unauthorised construction, the 4th



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respondent will initiate the proceedings after issuing notice to the petitioner as well as respondents 9 to 11 and others if any.

6.Considering the above submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 8 and direction of the 6th respondent to 4th respondent to take action in respect of the building put up by the respondents 9 to 11, the respondents 1 to 4 are directed to inspect the property in question after issuing notice to the petitioner and respondents 9 to 11 and if it is found that building is put up without obtaining any building permission and approval, take appropriate action immediately.

7.With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (R.H., J)
02.01.2023

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To

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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

Kj

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