



W.P.(MD)No.9220 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9220 of 2020

and

W.M.P.(MD)Nos.8842 and 10227 of 2020

Savarimuthu

... Petitioner

vs.

1.The Commissioner of Municipal Administration,
6th Floor, Ezhilagam, Chepauk, Chennai-600 005.

2.The Regional Director of Municipal Administration,
No.1 AYA, Nadar Street,
Near Kodimarathu Moolai, Thanjavur-613 008

3.The Special Officer/the Municipal Commissioner,
Manapparai Municipality,
Manapparai, Tiruchirappalli District

4.The Inspector of Police,
Manapparai Police Station,
Tiruchirappalli District Tiruchirappalli.

5.Sagayamery

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to restrain the construction work in ancestral joint family property



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without previous sanction for domestic construction in T.S.No.18 Ward E Block 0012 of Sealur Village, Manapparai Municipality, Manapparai Taluk, Tiruchirappalli District based on petitioner's representations dated 08.06.2020, 15.06.2020, 17.06.2020 and 19.06.2020.

For Petitioner	:Mr.Martin Jegateesan
For R1 and R2	:Ms.S.Jeyapriya Government Advocate
For R3	:Mr.J.Lawrance
For R4	:Mr.R.Sivakumar Government Advocate (Crl.side)
For R5	:Mr.T.M.Madasamy

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to act upon the representation given by the petitioner, wherein, the petitioner has complained that the fifth respondent is putting up a construction without obtaining any approval.

2.Heard Mr.Martin Jegateesan, learned Counsel appearing on behalf of the petitioner, Ms.S.Jeyapriya, learned Government Advocate appearing on behalf of the respondents 1 and 2, Mr.J.Lawrance, learned Counsel appearing on behalf of the third respondent, Mr.R.Sivakumar,



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learned Government Advocate (Crl.side) appearing on behalf of the fourth respondent and Mr.T.M.Madasamy, learned Counsel appearing on behalf of the fifth respondent.

3.The case of the petitioner is that the fifth respondent is none other than his brother. The grievance of the petitioner is that the fifth respondent was attempting to put up a further construction without getting any prior sanction/approval from the third respondent and thereby, he was attempting to take away the share of the petitioner. Representation was made in this regard and since no action was taken, the present Writ Petition has been filed before this Court.

4.Taking into consideration facts and circumstances of the case and the limited relief, as sought for by the petitioner, there shall be a direction to the third respondent to consider the representation made by the petitioner on 19.06.2020 on its own merits and in accordance with law after calling the petitioner and the fifth respondent for an enquiry and a decision shall be taken in this regard within a period of four weeks from the date of receipt of a copy of this order.



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WEB COPY 5.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

18.10.2023

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N.ANAND VENKATESH, J.

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