



W.P.(MD) No.22273 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.(MD) No.22273 of 2021

V.Murugan

... Petitioner

-VS-

- 1.The District Collector
Dindigul District, Dindigul.
- 2.The Deputy Director
Town & Country Planning,
Madurai.
- 3.The Member/Secretary
Local Planning Authority,
Eswari Store (Backside)
Vivakananda Nagar, Dindigul.
- 4.The Block Development Officer,
Reddiyarchathiram Block
Reddiyarchathiram
Dindigul District



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5.The Additional Director of Village Panchayat
Near Old Court,
Dindigul

6.Sri Sai Bharath Arts and Science College,
Represented by its Correspondent,
Sullerembu Village,
Navamarathupatty
Dindigul East Taluk
Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the 3rd respondent to initiate necessary proceedings to remove the unauthorized constructions put up by the 6th respondent institution situated in Survey Nos.100/1,2,3,4 and 101/1,3,4 and 103/1,2,3,4 and 104/1,5 for the extent of 17.37 acres of land based on the representation of the petitioner dated 27.10.2021.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.D.Sasikumar for R1, R3 to R5

Additional Government Pleader

Mr.P.Thilak Kumar for R4

Government Pleader

Mr.S.Madhavan for R6



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ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.S.Sarvagan Prabhu, learned counsel for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader for the respondents 1, 3 to 5, learned Government Pleader for the respondent No.5 and the learned counsel for the respondent No.6.

2. The learned counsel for the petitioner submits that the petitioner is the President of the Panchayat. It is contended that the respondent No.6 has carried out unauthorized construction of the first and second floors. The permission was granted only for ground floor.

3. The learned counsel further submits that a resolution has been passed with regard to the unauthorized construction by the Panchayat and an application has been made to the planning authority on 27.10.2021 for further action.



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4. Learned counsel for the respondent No.6 submits that an application has been filed by the respondent No.6 for rectification in the year 2018 with the third respondent, but no decision has been taken on it yet.

5. In case, the resolution passed by the Panchayat and the application given for taking further steps is pending with the respondent No.3, so also, if the application filed by the respondent No.6 for rectification/regularisation is pending with the respondent No.3, then, respondent No.3 shall decide those applications given by the Panchayat and the respondent No.6 on its own merits and in accordance with law, within six months from today. Depending upon the decision taken, further steps can be undertaken by the authorities concerned.

6. The writ petition stands disposed of. However, there is no order as to costs.

[S.V.G., CJ.]

[C.K., J.]

29.08.2023

NCC : Yes / No

Index : Yes / No

RR



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