WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.9291 of 2020

Lakshmi ... Petitioner

-vs-

1.The Collector,
Dharmapuri District.

2.TheTahsildar,
Palacode,
Dharmapuri District.

3.The Executive Officer,
Town Panchayat,
Palacode,
Dharmapuri District. ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus forbearing the respondents not to proceed with further demolition work in respect of the property situated at Door No.7/2006, Theerthagiri Nagar, Paniyandi Street, Palacode, Dharmapuri District.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : No appearance

For Respondents : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.A.Selvendran,
Special Government Pleader.

ORDER

(By *S.Vaidyanathan,J.*)

When the matter is taken up for hearing, none appeared for the petitioner.

2. Petitioner has come forward with this Writ Petition praying to forbear the respondents from proceeding with further demolition work in respect of the property situated at Door No.7/2006, Theerthagiri Nagar, Paniyandi Street, Palacode, Dharmapuri District.

3. It is stated in the affidavit that the petitioner has preferred an appeal before the authority concerned and the same is yet to be disposed of.

4. In the given situation, if the prayer of the Writ Petition is allowed, then, the purpose of filing and pendency of appeal itself is defeated. Therefore, the relief sought for in this Writ Petition cannot be granted. Since the petitioner is enjoying the benefit of status quo order, we direct the authority, before whom the appeal is pending, to decide the matter within a period of three months from the date of receipt of this order, if not already disposed of. Enquiry shall go on on day-to-day basis without

https://www.mhc.tn.gov.in/judis

WEB COPY

adjourning the matter beyond three working days at any point of time. In case of any violation, demolition work need to be continued. No person is entitled to construct any building without proper sanctioned plan and also no one is permitted to encroach upon the public property. The authority has to verify whether the land in question is Natham land or not, more-so when the petitioner's property is sought to be disturbed, as the third respondent has taken action on the adjacent property, measuring 526 sq.ft. tiled house.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.11327 of 2020 is closed.

Index : Yes/No (S.V.N.,J.) (K.R.S.,J.)
Internet : Yes/No 04-01-2024
dixit

To

1.The Collector,
Dharmapuri District.

2.TheTahsildar,
Palacode,
Dharmapuri District.

3.The Executive Officer,
Town Panchayat,
Palacode,
Dharmapuri District.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.VAIDYANATHAN,J.
AND
K.RAJASEKAR,J.

dixit

W.P.No.9291 of 2020

04-01-2024

https://www.mhc.tn.gov.in/judis