



W.P.No.12986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
and

THE HONOURABLE MRS.JUSTICE **R.KALAIMATHI**

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T.S.Rajamani,
President,
The Coimbatore District Textile Workers' Union,
Thiyagi N.G.R. Mahal,
No.2212, Trichy Road, Singanallur,
Coimbatore – 641 005.

.. Petitioner

Vs.

The Commissioner,
Udumalpet Municipality,
Thali Road,
Udumalpet – 642 126,
Tirupur District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider and dispose the representation dated 28.08.2023 and to remove the seal of the respondent in the gate of petitioners building premises.

For Petitioner : Mr.B.Thirunavukkarasu

For Respondent : Mr.K.M.D.Muhilan,
Standing Counsel



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ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.,]

By consent, the main writ petition itself is taken up for final disposal.

2. This writ petition has been filed for the issuance of a writ of mandamus to direct the respondent to dispose of the petitioner's representation dated 28.08.2023.

3. It is the case of the petitioner that he is the President of the Coimbatore District Textile Workers Union and the said Union bought land and constructed buildings after obtaining approval from the respondent. In the year 1972, the petitioner Union made an application for approval for construction of second floor and put up construction as per the specification of the grant of approval. While so, in the year 2016, the officials of the respondent inspected the building and issued a notice dated 24.03.2016 stating that the property of the petitioner was classified under Sarkar Natham Poramboke and therefore the construction of buildings is against the provisions of



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Tamil Nadu District Municipalities Act and Rules thereat. The petitioner made a representation dated 04.04.2016 enclosing necessary documents but without considering the same, the respondent instructed the petitioner to demolish the building. Aggrieved by the same, the petitioner filed W.P.No.14496 of 2016 and vide order dated 20.04.2016, this Court directed the respondent to treat the notice impugned in the writ petition as show cause notice and take steps for removal of encroachment, if any, after affording an opportunity to the petitioner.

4. It is the further case of the petitioner that final order has been passed by the respondent on 08.06.2017 stating that if the unauthorized construction has not been removed within the stipulated time, the building will be sealed. Despite several representations, the gate of the premises in the ground floor was sealed. To remove the seal, the petitioner made a representation dated 28.08.2023. Since no orders have been passed on the said representation, the petitioner has filed the present writ petition.



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5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

6. In view of the limited prayer sought for by the petitioner, without going into the merits of the case, the respondent is directed to consider the representation of the petitioner dated 28.08.2023 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after giving notice to the interested parties.

7. With the above direction, the writ petition is disposed of. No costs.

(A.D.J.C.,J.) (R.K.M.,J.)
08.05.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi/kj

To

The Commissioner,
Udumalpet Municipality,
Thali Road,
Udumalpet – 642 126,
Tirupur District.

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