



WEB COPY



WP.No.11809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.11809 of 2024

P.Selvashanmugam

Petitioner

Vs

1. Union of India, by Chief Secretary
Government of Puducherry, Puducherry-1
2. The Chairman and District Collector, Karaikal Town and
Country Planning Authority, Karaikal
3. The Senior Superintendent of Police, Police Head Quarters, Karaikal
4. The Member Secretary cum Junior Town Planner
Karaikal Town and Country Planning Department, Karaikal
5. K.Sivakumar

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents 1 to 4 to consider the representation of the Petitioner dated 20.03.2024 and to demolish the illegal and unauthorised construction put up by the 5th Respondent at TS.No.102, RS.No.80/13, OS.No.42pt, at Ward J, Block 3, Sivan Koil Street, Thakkaloor, Keezhavoor Revenue Village, Karaikal.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.A.Tamilvanan, AGP(Pondy)-RR1to4
R5-No Appearance



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ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondents 1 to 4 to consider the representation of the Petitioner dated 20.03.2024 and to demolish the illegal and unauthorised construction put up by the 5th Respondent at TS.No.102, RS.No.80/13, OS.No.42pt, at Ward J, Block 3, Sivan Koil Street, Thakkaloor, Keezhavoor Revenue Village, Karaikal.
2. It is the case of the Petitioner that the Petitioner's grand father founded a Charitable Trust, in the name of Thakkaloor Arunadham Chathiram Charity at Thakkaloor Village, Karaikal, under a Deed of Trust, dated 11.08.19009. It is the further case of the Petitioner that the existing building was dismantled by the then Trustees of the Trust about 33 years back and the earlier Trustee, by name, S.S.Subramaniya Pillai permitted the 5th Respondent's father, one Kaliaperumal to occupy a small portion to an extent of 20x20 ft. in the Western side of the Chathiram Site. It is the further case of the Petitioner that the 5th Respondent' father, who was in permissive possession, has put up an unauthorised construction during the period of Covid lock down and that therefore, the Petitioner gave a representation dated 20.03.2024 to the Official Respondents to take action against the 5th Respondent for illegal and unauthorised construction put up by him. Since the said representation is not considered so far, this Writ Petition has been filed, seeking the relief as stated above.



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3. This Court heard the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondents 1 to 4. Despite service of notice to the 5th Respondent, there is no representation for the 5th Respondent.
4. Without expressing any opinion on the representation of the Petitioner dated 20.03.2024 or the case pleaded by the Petitioner in the affidavit filed in support of this Writ Petition, the 2nd Respondent is directed to consider the representation of the Petitioner, dated 20.03.2024 and take appropriate action or pass orders, after giving sufficient opportunity to the 5th Respondent, in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order and communicate the decision taken by the 2nd respondent to the Petitioner.
5. With the above directions, this Writ Petition is disposed of. No costs.

(S.S.S.R.J.) & (N.S.J.)
05.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To

1. Union of India, by Chief Secretary, Government of Puducherry, Puducherry-1
2. The Chairman and District Collector, Karaikal Town and Country Planning Authority, Karaikal
3. The Senior Superintendent of Police, Police Head Quarters, Karaikal
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