



WEB COPY



W.P.No.17161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.17161 of 2024

S.Ram Narayana Sathish

.. Petitioner

Vs

- 1.The District Collector,
Salem District,
Salem.
- 2.The District Forest Officer,
District Forest Office,
Yercaud, Salem District.
- 3.The Assistant Director,
Rural Development and Panchayath Office,
Salem, Salem District.
- 4.The Deputy Director,
Health and Family Welfare Department,
Aathur, Salem District.
- 5.The Block Development Officer,
Village Panchayath and Block Development Office,
Yercaud, Yercaud Taluk,
Salem District.



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6.The Thasildhar,
Thasildhar office,
Yercaud, Salem District.

7.The Panchayat President,
Manjakuttai Panchayat,
Yercaud Taluk,
Salem District.

8.The Yellow Lake Club,
rep. by its Managing Director,
Manjakuttai Village,
Cauvery Big Road, Servarayan Malai,
Yercaud Taluk,
Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents 1 to 7 to take appropriate action against the 8th respondent and order to remove the construction in the subject matter land in Survey No.16/1D Manjakuttai Village in Yercaud Taluk of Salem District based on the representation dated 12.12.2023.

For the Petitioner : Mr.R.Muruga Bharathi

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1, 3, 5 and 6

: Mr.M.Habeeb Rahman
Government Advocate
for respondents 4 and 7

: Dr.T.Seenivasan



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Spl. Govt. Pleader (Forest)
for respondent No.2

: Mr.D.Selvaraj
for Mr.C.Prabakaran
for respondent No.8

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing respondents 1 to 7 to take action against respondent No.8 and to remove the construction made by respondent No.8 in Survey No.16/1D, Manjakuttai Village, Yercaud Taluk, Salem District, by considering the representation of the petitioner dated 12.12.2023.

2. Today, when the writ petition is taken up for hearing, learned State Government Pleader has filed the status report of the first respondent/District Collector, wherein it has been stated that respondent No.8 has illegally constructed 16 buildings measuring a total extent of 3690.78 square meter/39726.88 square feet and



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used the same for commercial purposes by running resort and cottages. It has also been stated that the third respondent, namely, Tahsildar, Yercaud, has been instructed to inspect and report as to whether unauthorised construction was made by encroaching any waterbodies and after the receipt of a report, further action will be taken after affording opportunity to respondent No.8 in accordance with the provisions of the Tamil Nadu Town and Country Planning Act, 1971 and the Tamil Nadu Combined Building Rules, 2019.

3. This Court, vide order dated 22.7.2024, directed the District Collector, Salem, to conduct a detailed enquiry qua the granting of approval by the Block Development Officer for construction of the buildings and during enquiry if the District Collector finds that the Club is running without getting permission, the District Collector was directed to take necessary action for sealing of the said Club as per the Rules.



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4. Now, it appears as per the status report filed by the District Collector that respondent No.8 has illegally constructed 16 buildings and is using the same for commercial purposes by running resort and cottages. Since respondent No.8 has constructed the buildings contrary to the planning permission, we direct the District Collector, Salem, to seal the aforesaid buildings forthwith.

5. At this juncture, learned counsel for respondent No.8 submitted that respondent No.8 has filed application before the Deputy Director, Town and Country Planning for regularisation of the said buildings. If any such application is pending before the Deputy Director, Town and Country Planning, it is open to the said authority to consider the same strictly in accordance with law.

6. We make it clear that pendency of the aforesaid application for regularisation will not stand in the way of the District Collector, Salem, to seal the premises, which is, as on date, an unauthorised structure run without any permission.



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7. With the above observations and directions, the writ petition is disposed of. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
05.08.2024

Index : Yes/No
NC : Yes/No
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Yercaud, Salem District.
- 3.The Assistant Director,
Rural Development and Panchayath Office,
Salem, Salem District.
- 4.The Deputy Director,
Health and Family Welfare Department,
Aathur, Salem District.
- 5.The Block Development Officer,
Village Panchayath and Block Development Office,
Yercaud, Yercaud Taluk, Salem District.
- 6.The Thasildhar,
Thasildhar office, Yercaud, Salem District.
- 7.The Panchayat President,
Manjakuttai Panchayat,
Yercaud Taluk,
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