



WP.No.23361/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.23361/2023 & WMP.No.22899/2023

S.R.Soundararajan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep.by its Secretary
Rural Development & Local
Administration Department
Secretariat, Chennai 600 009.
- 2.The District Collector
Salem District, Salem.
- 3.The Assistant Director
Rural Development [Panchayat]
R.No.208, Collectors Office
Salem.
- 4.The Block Development Officer
Ondikadai, Panchayat Union Office
Yercaud 636 602, Salem District.



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5.Yercaud Town Panchayat
rep.by its Commissioner
Yercaud 636 601, Salem District.

7.The Assistant Director
Salem District Town and Country Planning
No.6, Sannathi Street, Subramania Nagar
Salem 636 005.

8.Mrs.V.Lalitha [Died]

9.Mr.V.Prabakaran

10.V.Vignesh Kumar

... Respondents

****R10 substituted as LR of deceased
R8 vide order dated 22.09.2023 in
WMP.No.26590/2023 in WP.No.23361/2023**

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of directing the respondents 1 to 6 to forth with take appropriate action against the illegal construction put up by the respondents 8 and 9 as reported in the letter dated 14.11.2022 of the 6th respondent in Old S.No.28/2, New TS.No.28/1C and RS.No.28/2C1A in Yercaud Town, Ladies Seat Road, Yercaud, Salem District and consequently to demolish the illegal construction put up by the 8th and 9th respondent.

For Petitioner	: Mr.M.S.Krishnan Senior counsel for Mr.K.Selvaraj
For R1 to R7	: Mr.P.Kumaresan, AAG assisted by Mr.P.Balathandayutham, Spl.GP



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For RR9 & 10

: Mr.P.Sathish Kumar

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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)When we heard the writ petition on merits, we reiterated that the dispute is between neighbours and the main complaint is about the construction without leaving the required side set back. It is also stated that the deviation can also be regularised if the petitioner has no objection. Hence, the parties are requested by this Court to sort out by mediation, without prejudice to the rights of official respondents.
- (2)Pursuant to the order of this Court dated 24.06.2024 referring the matter to the Mediation Centre attached to this Court, parties have appeared before the Mediator appointed by the Mediation Centre and the parties have finally settled their dispute.
- (3)The parties, in the presence of their respective counsels, have entered into a Settlement Agreement on 18.09.2024. By signing the Agreement, the parties have stated that they have no further claims or demand against each other with respect to the writ petition in WP.No.23361/2023 and all disputes and differences in this regard, have been amicably settled.



(4)The parties have entered into the Settlement Agreement with the following clauses:-

- A) The respondents herein agree to remove the glass partition and staircase put up on the first floor to the extent of width of 3' feet to the entire extent of length of 27' feet on the northern side of their building which is situated on the southern adjacent side of the compound wall of the writ petitioner's property within 3 months from today by carrying out necessary repairs and agree to keep it as a balcony only. The petitioner agrees that pillars and beams on all floors need not be removed.*
- B) The respondents 9 and 10 are not entitled to put up any new construction for 3 feet width and 27 feet length on the ground floor and terrace.*
- C) The respondents 9 and 10 by removing the parapet wall on their terrace and agree to fix stainless steel grill with a height of 3 and 1/2 feet on the northern side and ceiling on the terrace need not be removed as accepted by the petitioner.*



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- D) The petitioner agrees to permit respondents to carry out the necessary repairs and plastering through his property.*
- E) The respondents undertake to keep the petitioner's premises clean after the work gets done.*
- F) The respondents 9 and 10 have given a complaint against the petitioner [who is an advocate Ms.No.296/1975] and two other advocates before the Bar Council of Tamil Nadu and Puducherry relating to the previous proceedings in a writ petition in a complaint No.95/2024. The respondents 9 and 10 undertake to file a petition for withdrawal of the above complaint within one week from the date of this agreement and not to proceed with the above complaint.*
- G) The petitioner and respondents 9 and 10 have mutually agreed by the above terms under this Agreement with their full will and volition.*

7.By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to



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WP.No.23361/2023 on the file of the Hon'ble High Court, Madras and all disputes and differences in the regard have been amicably settled by the parties hereto through the process of conciliation/mediation."

(5) Therefore, the writ petition stands **disposed of** in terms of the Settlement Agreement dated 18.09.2024 signed by the parties, namely, the petitioner and respondents 9 and 10 in the presence of their respective counsels. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
22.10.2024

AP

Internet : Yes



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To
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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

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