



W.P(MD)No.11658 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.11658 of 2013

B.Venkatu

... Petitioner

vs.

1.The Commissioner,
Dindigul Municipality,
Dindigul.

2.S.Jayaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to take appropriate action against the second respondent for illegal construction carried at D.No.70 & 71, Tabedar Street, Dindigul Municipality.

For Petitioner

: Ms.M.Maria Vinola

For Respondent No.1

: Mr.J.Lawrance

For Respondent No.2

: Mr.H.Lakshmi Shankar



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to take appropriate action against the second respondent for illegal construction carried out at D.No.70 & 71, Tabedar Street, Dindigul Municipality.

2.The first respondent has filed a counter-affidavit, dated 08.12.2015, wherein in paragraph Nos.5 and 6, it is stated as follows:

'5.It is submitted that the averments made in para 3 of the affidavit are all hereby denied. In reply, it is submitted that in the property in Door No.70 and 71, Tabedar Street, no construction activities are going on so far as this respondent Municipality is concerned. Further, this respondent has not accorded or given any permission or approval to anyone to construct any buildings or any other structures as alleged in the said para 3 of the affidavit. In fact this respondent understands that there are civil litigations pending between the writ petitioner and the second respondent. Since there was no illegal construction, the question of issuing any notice by this respondent Municipality does not arise. In fact, if this respondent Municipality comes across any such illegal



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constructions, the same is immediately demolished in accordance with law.

6.It is submitted that the averments made in paras 4 and 5 of the affidavit that the second respondent is proceeding with construction are all hereby denied. This respondent again reiterates that this respondent has not given any approval or permission to either second respondent or anyone for making any illegal constructions. It is submitted that this writ petition is filed only due to personal vengeance between the writ petitioner and the second respondent, this respondent has nothing to do with their civil disputes. No iota of evidence or proof is produced to support the contentions raised by the petitioner about the illegal construction by the second respondent on the Government property.'

3.Recording the aforesaid statement of the first respondent, no further order is required in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

[D.K.K.,J.] [R.V.,J.]
02.01.2024

NCC : Yes / No
Index : Yes / No
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To

The Commissioner,
Dindigul Municipality,
Dindigul.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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