



W.P.(MD) No.13920 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.13920 of 2013

S.Somasundaram

... Petitioner

Vs.

- 1.The Commissioner,
Town and Country Planning Department,
No.807, Annasalai, Chennai 600 002.
- 2.The Regional Deputy Director,
Town and Country Planning,
No. 108, Trivanduram Road,
Palayamkottai, Tirunelveli 627 002.
- 3.The Commissioner,
Tirunelveli Corporation,
Tirunelveli 627 002.



W.P.(MD) No.13920 of 2013

WEB COPY

4.The Assistant Commissioner,
Tirunelveli Corporation,
Ward Section Office, Melapalayam,
Tirunelveli 627 005.

5.K.Ramasubramanian

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to consider the petitioner's representation dated 26.7.2013 and to take suitable and necessary action in the 5th respondent's proposed house demolition process.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.T.Amjad Khan,
Government Advocate for R1 & R2
Mr.Aayiram K.Selvakumar for R3 & R4
No Appearance for R5

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 to consider the petitioner's representation dated



W.P.(MD) No.13920 of 2013

26.7.2013 and to take suitable and necessary action in the 5th respondent's proposed house demolition process.

2. The petitioner has made a representation on 26.07.2013, seeking to take necessary action for the demolition process of the fifth respondent's house. Since no action was taken, the petitioner has filed this Writ petition.

3. Though the Writ Petition has been filed in the year 2013, the respondents have not filed any counter affidavit. We are deprecating the attitude of the respondents for not filing the counter affidavit after lapse of 10 years.

4. Considering the facts and circumstances of the case, we are of the view that if any violation of the building rules, the petitioner has to approach the authority concerned along with the relevant materials for taking action against the fifth respondent. Therefore, without going into the merits of the matter, we direct the petitioner to make a fresh representation to the authorities concerned, if still the petitioner is having any grievance against the fifth respondent.



W.P.(MD) No.13920 of 2013

WEB COPY 5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

[D.K.K., J.] [M.S.K., J.]
08.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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W.P.(MD) No.13920 of 2013

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