



**W.P.(MD) No.1500 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.1500 of 2013**

**and**

**M.P.(MD)No.1 of 2013**

Devarasu

... Petitioner

Vs.

1.The Executive Officer,  
Thathaiyangarpettai Town Panchayat,  
Musiri Taluk, Trichy District.

2.K.Packiyam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to take action under Section 216 of District Municipalities Act, 1920 against the 2<sup>nd</sup> respondent for the illegal



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construction at Old Survey No.230/1 New Survey No.779/17, Pillathurai Village, Thathaiyangarpettai, Musiri Taluk, Trichy District.

For Petitioner : Mr.M.Suresh Kumar  
For Respondents : Mr.T.Amjad Khan,  
Government Advocate for R1  
No Appearance for R2

### **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 1<sup>st</sup> respondent to take action under Section 216 of District Municipalities Act, 1920 against the 2<sup>nd</sup> respondent for the illegal construction at Old Survey No.230/1 New Survey No.779/17, Pillathurai Village, Thathaiyangarpettai, Musiri Taluk, Trichy District.

2. The petitioner has made a representation on 08.11.2012, seeking for removal of unauthorized construction made by the respondent in Old Survey No.



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**WEB COPY** 230/1 New Survey No.779/17, Pillathurai Village, Thathaiyangarpettai, Musiri Taluk, Trichy District. Since no action has been taken, the petitioner has filed this Writ Petition.

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

4. Considering the facts and circumstances of the case, without going into the merits of the case, we direct the first respondent to consider the representation of the petitioner dated 08.11.2012 and pass appropriate orders under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998, after providing an opportunity to the petitioner as well as the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is also directed to send the copy of the said representation to the first respondent along with a copy of this order.



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**WEB COPY** 5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

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



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To

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**D.KRISHNAKUMAR, J.**  
**and**  
**MUMMINENI SUDHEER KUMAR, J.**

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