



W.P.(MD) No.15125 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.15125 of 2013
and M.P.(MD)No.1 of 2013

Balasubramania Barathi

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Manaparai Municipality,
Manaparai, Trichy District.

3.Kalirathnam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to stop the unauthorized

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reconstruction work carried out by the 3rd respondent at Door No.74, Railway Station Road, Manaparai in the light of the power granted under 216 of Tamil Nadu District Municipalities Act.

For Petitioner : Mr.S.Chellapandian
For Respondents : Mr.N.Satheeshkumar,
Addl. Govt. Pleader for R1
Mr.J.Lawrance for R2
Mr.A.N.Ramathan for R3

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 2nd respondent to stop the unauthorized reconstruction work carried out by the 3rd respondent at Door No.74, Railway Station Road, Manaparai in the light of the power granted under 216 of Tamil Nadu District Municipalities Act.

2. According to the petitioner, the third respondent has started reconstruction work without getting necessary permission from the second



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respondent. In this regard, the petitioner has also made a representation seeking to take necessary action as against the third respondent. Since no action was taken by the second respondent, 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 direct the petitioner to make a fresh representation to the second respondent pointing out the violation of the building plan and approval within a period of one week from the date of receipt of a copy of this order. After receipt of the said representation, the second respondent shall inspect the property after issuing notice to the petitioner as well as the third respondent and if there is any violation of the building plan, the second respondent shall take appropriate action against the third respondent in accordance with law, within a period of 12 weeks thereafter.



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

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



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