



W.P.(MD) No.952 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

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

**W.P.(MD) No.952 of 2024
and W.M.P.(MD) No.976 of 2024**

N.Gopal

... Petitioner

-VS-

1.The District Collector,
Collectorate Campus,
Dindigul,
Dindigul District.

2.The Block Development Officer,
Natham Taluk,
Dindigul District.

3.The President,
Panniammalai Village,
Natham Taluk,
Dindigul District.

4.Anbalagan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents 1 to 3 to remove the



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unauthorized construction made by the 4th Respondent in Survey No. 73/5 situated at Panniyamalai Village, Naduvanur, Aavichipatt Union, Natham Taluk, Dindigul District without obtaining any prior approval from the 3rd Respondent in terms of Rule 34 of the Tamil Nadu Panchayat Building Rules, 1997 by considering the Petitioner's representation dated 27.11.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawazkhan
M/s.Ajmal Associates

For Respondents : Mr.N.GA.Natraj
Government Advocate for R1 to R3

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction made by the 4th Respondent in Survey No. 73/5 situated at Panniyamalai Village, Naduvanur, Aavichipatt Union, Natham Taluk, Dindigul District without obtaining any prior approval from the 3rd Respondent in terms of Rule 34 of the Tamil Nadu Panchayat Building Rules, 1997 by considering the Petitioner's representation dated 27.11.2023 within a time frame.



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2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the 4th respondent also, notice to the 4th respondent is dispensed with.

3. The petitioner has filed this Writ Petition, seeking a direction to the official respondents to remove the unauthorized construction made by the 4th respondent, who is none other than the brother of the petitioner.

4. When this Court has put up a specific query to the learned Government Advocate appearing for the respondents 1 to 3, as to whether the petitioner has put up construction in his property after obtaining approval from the competent authority, he would submit that the petitioner has also not obtained approval from the competent authority.

5. In such circumstances, this Court directs the respondents 1 to 3 to conduct an enquiry as to whether the petitioner and the 4th respondent have made constructions after obtaining necessary permission from the competent authority,



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after issuing notice and providing opportunity of hearing to the petitioner, the fourth respondent and any other parties concerned. In the enquiry, if it is found that the constructions are made without approval from the competent authority, then the respondents 1 to 3 shall take necessary further actions in accordance with law.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
18.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

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3.The President,
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and
R.VIJAYAKUMAR, J.

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