



W.P.(MD) No.2178 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM:

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

W.P.(MD) No.2178 of 2024

Kaliyappan

... Petitioner

-VS-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Executive Officer,
Palayam Town Panchayat,
Gujiliamparai Taluk,
Dindigul District.

3.The Tahsildar,
Taluk Office,
Gujiliamparai Taluk,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent issued in Na.Ka.No.162/2022/A2 dated 22.12.2023 and in Na.Ka.No. 162/2022/A2 dated 05.01.2024 to demolish 2nd and 3rd floors of the petitioner's



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structure constructed in Survey No. 428A/10A of Palayam Village, Gujiliamparai Taluk, Dindigul District in the name of unauthorized construction and quash the same and direct the respondents to inspect all the buildings in Palayam Town Panchayat, Gujiliamparai Taluk, Dindigul District and regulate the same with respect to building approval.

For Petitioner : Mr.T.M.Madasamy

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1 and R3

Mr.T.Amjadkhan,
Government Advocate for R2

ORDER

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

The Writ Petition has been filed challenging the proceedings of the 2nd respondent, issued in Na.Ka.No.162/2022/A2, dated 22.12.2023, and in Na.Ka.No.162/2022/A2, dated 05.01.2024, to demolish 2nd and 3rd floors of the petitioner's structure constructed in Survey No. 428A/10A of Palayam Village, Gujiliamparai Taluk, Dindigul District, in the name of unauthorized construction, and direct the respondents to inspect all the buildings in Palayam Town Panchayat, Gujiliamparai Taluk, Dindigul District, and regulate the same with respect to building approval.



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2. By consent of both sides, the Writ Petition is taken up for final disposal at the time of admission itself.

3. When the matter came up for hearing on 02.02.2024, the learned counsel for the petitioner made a specific allegation that the petitioner being singled out in issuing notice to remove the unauthorized construction, but there are several buildings constructed unauthorizedly in the vicinity viz., Palayam Village, Gujiliamparai Taluk, Dindigul District. Therefore, the action of the second respondent is discriminatory. Hence, the petitioner has filed this Writ Petition, challenging the discriminatory impugned notices.

4. This Court, in order to ascertain whether the said allegations of the petitioner is true, directed the learned Special Government Pleader appearing for the respondents 1 and 3 and the learned Government Advocate appearing for the 2nd respondent to file a status report. Accordingly, the written instructions from the 2nd respondent was submitted today, wherein it is stated that several unauthorized constructions are found in the area and the list of unauthorized constructions are also produced along with the written instructions from the 2nd



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respondent to the Special Government Pleader in Na.Ka.No.54/2024/Aa1 dated 12.02.2024. The said written instructions and the supporting documents filed along with it shall be placed on record in the Writ Petition.

5. Learned Special Government Pleader appearing for the respondents 1 and 3 and the learned Government Advocate appearing for the 2nd respondent stated before this Court that notice has been served on the owners of the unauthorized constructions and necessary further actions will be taken by the respondents for removal of the unauthorized constructions. Further, the petitioner, against the permissible height of 12 metres, has made unauthorized constructions up to the height of 17 metres, in violations of the Building Rules.

6. In view of the above, we direct the respondents to remove the unauthorized constructions made by the petitioner and various other persons, whose names have been shown in the list of the owners of unauthorized constructions, produced along with the written instructions, in accordance with law and after affording an opportunity to them. The said action shall be taken by the respondents without any further delay. The first respondent shall monitor the



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said action to be taken by the respondents 2 and 3 for removal of unauthorized constructions by directing them to file report once in fifteen days. Action shall also be taken for removal of unauthorized constructions of the buildings within the jurisdiction of the Palayam Town Panchayat. We make it clear that there shall not be any discrimination in removing the unauthorized constructions. It is open to the first respondent to call for explanation from the authorities concerned for the unauthorized constructions made in the Palayam Town Panchayat and depending upon the outcome of the explanations of the respective authorities, further action shall be taken in accordance with law.

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

[D.K.K., J.] [R.V., J.]
19.02.2024

Index : Yes / No
Internet : Yes / No
SJ



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

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To

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