



W.P(MD)No.3688 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

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

**W.P(MD)No.3688 of 2020
and
W.M.P(MD)No.3104 of 2020**

R.Janarthanan

... Petitioner

VS.

- 1.The District Collector,
Madurai District Collector Office,
Madurai – 625 020.
 - 2.The Divisional Assistant Block Development Officer,
Alanganalur Panchayat,
Alanganalur,
Madurai District.
 - 3.The President,
Thanichiyam Panchayat,
Thanichiyam,
Madurai District.
 - 4.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Division,
Madurai – 625 020.
 - 5.S.Krishnan
- ... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take action under Sections 56 and 57 of the Town and Country Planning Act, 1971, on the basis of the representations of the petitioner, dated 07.12.2019 and 13.01.2020 as against the fifth respondent for not adhering to the building rules for the construction of the building by the fifth respondent Ward old No.1, New No.8, Bagavathi Amman Kovil Street, Thanichiyam Village, Vadipatti Taluk, Madurai District.

For Petitioner	: Mr.B.Sukumar
For Respondent Nos.1 & 2	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.3	: Mr.S.Angappan
For Respondent No.4	: Ms.S.Latha
For Respondent No.5	: No appearance

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 2 to 4 to take action under Sections 56 and 57 of the Town and Country Planning Act, 1971, on the basis of the representations of the petitioner, dated 07.12.2019 and 13.01.2020 as against the fifth respondent for not adhering to the building



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rules for the construction of the building by the fifth respondent Ward old No.1, New No.8, Bagavathi Amman Kovil Street, Thanichiyam Village, Vadipatti Taluk, Madurai District.

2.The fourth respondent - Executive Engineer/Tamil Nadu Slum Clearance Board has filed a counter-affidavit, wherein it is stated as follows:

'It is submitted that Thiru.S.Krishnan, S/o.Sangaiya, Thanichiyam Village, Vadipatti Taluk, Madurai District has applied for the subsidy under Prime Minister Awas Yojan Scheme (Beneficiaries Led Construction), 'Housing for all' scheme. Initially his application was considered and issued work order in his name. After sometimes, the petitioner made complaints about Mr.Krishnan, S/o.Sangaiya, Thanichiyam Village, Vadipatti Taluk, Madurai District. Hence, we have withdrawn the work order issued to Mr.Krishnan, S/o.Sangaiya, Thanichiyam Village, Vadipatti Taluk, Madurai District on his fault.

It is submitted that his construction of house as not related to this office at present. We have not released any subsidy amount to the fifth respondent.

It is submitted that it is not possible to this office to issue any instructions to Mr.Krishnan, since, his work order has been withdrawn by this office.'



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3.In view of the above, without going into the merits of the claim made by the petitioner, we direct the respondents 2 and 3 to consider the representation of the petitioner, dated 13.01.2020 and pass orders on merits and in accordance with law, after providing due opportunity to the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
07.03.2024

NCC : Yes / No
Index : Yes / No
ps



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

ps

ORDER MADE IN
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DATED : 07.03.2024