



W.P(MD)No.2823 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

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

**W.P(MD)No.2823 of 2023
and
W.M.P(MD)No.2622 of 2023**

S.Musthafa

... Petitioner

vs.

- 1 The District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Director of Town and Country Planning,
807, Anna Salai, Chennai-600 002.
- 3 The Deputy Director of Town and Country Planning,
No. 5/678, Nehru Veethi,
NGO Colony,
Virudhunagar - 626 001.
- 4 The Commissioner of Municipality,
Police Station Road,
Parasakthi Colony,
Sivakasi,
Virudhunagar Distirct.
- 5 Abbas Ali
- 6 Mohamed Hanifa
- 7 Syed Fathima

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 4th respondent to forbear the respondents 5 to 7 from constructing a House building comprised in Survey Number TS.No.117 in 'E' Block, measuring



W.P(MD)No.2823 of 2023

117.5 sq. mtrs. in Seedhakadi Middle Street, Sivakasi Town, Virudhunagar District, without obtaining proper permission from the authorities concerned.

For Petitioner : Mr.K.Vijayakumar
For R-1 to R-3 : Mr.N.Satheesh Kumar,
Additional Government Pleader
For R-4 : Ms.S.Devasena
For R-5 to R-7 : Mr.P.Solaisamy

ORDER

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

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the 4th respondent to forbear the respondents 5 to 7 from constructing a House building without obtaining proper permission from the authorities concerned in Survey Number TS.No.117 in 'E' Block, measuring 117.5 sq. mtrs. in Seedhakadi Middle Street, Sivakasi Town, Virudhunagar District.

2. According to the respondents/authorities, during pendency of this writ petition, the private respondents made an application seeking for permission to construct the building in question and the same was returned on the ground that the writ petition is pending.

3. However, it is seen that the private respondents proceeded with the construction and now, the entire construction is completed. But, the



W.P(MD)No.2823 of 2023

respondents/officials are not aware of the said unauthorized construction.

WEB COPY

3. Therefore, the fourth respondent/Municipality has to take necessary action for the demolition of the building by following the procedure as stated in ***M.Rahamathunisha and others Vs. Commissioner, Greater Chennai Corporation, Chennai and another reported in 2022 (6) CTC 145.***

4.Further, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O(2D)No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. As per the said Government Order, the Committee shall monitor the unauthorized construction of buildings within the jurisdiction limit and take action.

5.Therefore, we direct the third respondent-Municipality to take necessary action for removal of unauthorized construction put up by the respondents 5 to 7, after providing opportunity to all the parties concerned and file a report before the High Level Monitoring Committee, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P(MD)No.2823 of 2023

6. With the above direction, this writ petition stands disposed of.

No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
25.03.2024

NCC : Yes / No
Index : Yes / No
PM

To

- 1 The District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Director of Town and Country Planning,
807, Anna Salai, Chennai-600 002.
- 3 The Deputy Director of Town and Country Planning,
No. 5/678, Nehru Veethi,
NGO Colony,
Virudhunagar - 626 001.
- 4 The Commissioner of Municipality,
Police Station Road,
Parasakthi Colony,
Sivakasi,
Virudhunagar District.
5. The Chairperson,
High Level Monitoring Committee,
Virudhunagar District.



WEB COPY



W.P(MD)No.2823 of 2023

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

PM

ORDER MADE IN
W.P(MD)No.2823 of 2023

DATED : 25.03.2024



WEB COPY



W.P(MD)No.2823 of 2023