



W.P.(MD) No.4011 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM:

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

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K.P.Chandrasekaran

... Petitioner

-VS-

1.The Commissioner,
Palani Municipality,
Palani, Dindigul District.

2.Jeyachitra

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to remove all the unauthorized construction and illegal superstructures which is situated in the Block No. 35, Ward No.4, T.S.No.12, Door No. 12 B, Parvathi Illam, Shanmugapuram, Periyar Salai, Palani, Dindigul District based on the petitioner's representation dated 22.12.2023 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.N.Mohan



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For Respondents : Mr.L.P.Maurya,
Standing Counsel for R1

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 1st respondent to remove all the unauthorized construction and illegal superstructures which is situated in the Block No. 35, Ward No.4, T.S.No. 12, Door No. 12 B, Parvathi Illam, Shanmugapuram, Periyar Salai, Palani, Dindigul District, based on the petitioner's representation dated 22.12.2023 within a time frame.

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 2nd respondent also, notice to the 2nd respondent is dispensed with.

3. According to the petitioner, the 2nd respondent with the help of his husband Late. Kannan constructed 14 commercial shops without getting any



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planning permission from the 1st respondent. Though the petitioner has made representation dated 22.12.2023 to demolish and remove the constructions, no action has been taken and since the same has not been considered so far, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. According to the learned Standing Counsel for the first respondent, pursuant to the earlier order of this Court in W.P.(MD) No.19560 of 2020, the respondent Municipality has taken action and place the building in question under lock and seal. He would further state that there is a dispute between family members of the petitioner and the 2nd respondent and therefore, a suit for partition is also filed and pending before the civil Court.

5. Considering the fact that pursuant to the direction of this Court in the earlier Writ Petition, the first respondent has initiated action against the second respondent and a suit between the petitioner and 2nd respondent is pending before this civil Court and in the meanwhile, the petitioner has filed this Writ Petition, this Court is not inclined to entertain this Writ Petition.



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6. In view of the above, the Writ Petition stands dismissed. However, it is open to the first respondent to consider the representation of the petitioner on merits and in accordance with law. No costs.

[D.K.K., J.] [R.V., J.]
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Index : Yes / No
Internet : Yes / No
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