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W.P.(MD) No.6518 of 2019

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.6518 of 2019
and
W.M.P.(MD) No.5208 of 2019**

M.Indrani

... Petitioner

-VS-

- 1.The Chairman
Town and Country Planning
807, Anna Salai
Chennai-600 002
- 2.The Assistant Director
Town and Country Planning
4, Hakkim Ajmalkhan Road
Chinnachockikulam, Madurai-625 002
- 3.The Member Secretary
Local Planning Authority
Dindigul
- 4.The Executive Officer
Nilakottai Town Panchayat
Dindigul District

5.M.Durai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to demolish the unauthorized construction in the first floor in Door Nos.6-2-50 C2, C3, C4, C5 and C6, 2nd floor and 3rd floor (temporary steel shed) in Madurai-Periyakulam Kodaikanal Main Road, Nilakottai, Dindigul District.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R4

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 4 to demolish the unauthorized construction of first floor in Door Nos.6-2-50 C2, C3, C4, C5 and C6, 2nd floor and 3rd floor (temporary steel shed) in Madurai-Periyakulam Kodaikanal Main Road, Nilakottai, Dindigul District.

2. According to the petitioner, the fifth respondent, without obtaining any permission from the authority concerned, has constructed first



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floor, second floor and third floor unauthorizedly in the subject land. Further, a civil suit is pending between the parties relating to the common pathway in respect of the subject property. Seeking to take action against the said unauthorized construction, the petitioner made a representation dated 22.11.2018 to the respondents 1 to 4. However, no action was taken based on the petitioner's representation. Hence, this writ petition.

3. Learned Government Advocate appearing for the respondents 1 to 4, on instructions, submits that the fifth respondent has not obtained permission from the authority concerned for construction of first floor, second floor and third floor in the subject land and to that effect, he has also produced a copy of the communication dated 20.03.2024 received from the Deputy Director, Town and Country Planning, Dindigul, before this Court.

3. In view of the above submission of the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4, we direct the fourth respondent to consider the petitioner's representation dated 22.11.2018 and pass orders on its own merits and in accordance with, after providing due opportunity to the petitioner as well as the fifth respondent



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as the fifth respondent has not been served with notice in this writ petition. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the above direction is only in respect of the unauthorized construction of first floor, second floor and third floor in the subject land alone. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

1.The Chairman
Town and Country Planning
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Chennai-600 002

2.The Assistant Director,
Town and Country Planning,
4, Hakkim Ajmalkhan Road,
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- 3.The Member Secretary,
Local Planning Authority,
Dindigul.
- 4.The Executive Officer,
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