



W.P.(MD) No.13208 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13208 of 2024

Thillai Chidambaram

... Petitioner

-VS-

- 1.The District Collector
Tenkasi District, Tenkasi
- 2.The Joint Director
Urban Development Director
Tenkasi, Tenkasi District
- 3.The Commissioner
Tenkasi Municipality
Tenkasi
*(R3 is suo motu amended vide order dated
20.06.2024 in W.P.(MD)No.13208 of 2024 by
RMD ACJ and GRSJ)*
- 4.The Secretary / Member (Incharge)
Town Planning Approval Controlling Authority
Office of the Town Planning Approval Officer
Tenkasi
- 5.The Vasantham Hospital,
No.164, Nellai Main Road,
Tenkasi, Tenkasi District - 627 805

... 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 remove the violation made by the fifth respondent Hospital pursuant to the proceedings in Na.Ka.No.46/2024 TDTCP of the fourth respondent within stipulated time fixed by this Court.

For Petitioner : Mr.M.Anbarasan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents 1 to 4.

2. Issuance of notice to the fifth respondent is dispensed with.

3. The petitioner alleges that the fifth respondent is putting up a Hospital without getting planing permission. He wants the unauthorized construction to be removed.



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4. When the matter was taken up for hearing, learned Government Pleader appearing for the respondents 1 to 4 submitted that the fourth respondent had already issued a stop work notice to the fifth respondent. The allegation made by the petitioner appears to be *prima facie* correct.

5. We, therefore, direct the Commissioner, Tenkasi Municipality, to take action as per law. Notice will be issued to the fifth respondent and final order will be passed within a period of eight weeks from the date of receipt of a copy of this order. It is of course open to the fifth respondent to avail all the remedies provided in the statute.

6. This writ petition is disposed of accordingly. No costs.

[R.M.D., A.C.J.]

[G.R.S., J.]

20.06.2024

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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