



W.P(MD)No.15594 of 2021

WEB COPY 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.15594 of 2021

Bethuran

... Petitioner

VS.

1.The District Collector,
Theni,
Theni District.

2.The Assistant Director,
Town and Country Planning Office,
Theni, Theni District.

3.The Executive Officer,
Boothipuram Panchayat,
Theni District.

4.Rajammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to take necessary action against the unauthorized construction of the fourth respondent in Door No.25E-3, Aathipatti, Boothipuram Post, Theni District – 625 531 as per the Rule 34(1) of the Tamil Nadu Panchayat Building Rules, 1970.

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For Petitioner : Mr.R.Suriyanarayanan
For Respondent Nos.1 to 3 : Mr.N.Satheesh Kumar
Additional Government Pleader
For Respondent No.4 : Mr.R.Mariappan

ORDER

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

Prayer in this Writ Petition is to direct the third respondent to take necessary action against the unauthorized construction of the fourth respondent in Door No.25E-3, Aathipatti, Boothipuram Post, Theni District – 625 531 as per the Rule 34(1) of the Tamil Nadu Panchayat Building Rules, 1970.

2.According to the petitioner, the fourth respondent has constructed the building in question, without getting proper approval from the authority concerned. With regard to the unauthorized construction, the petitioner submitted a representation dated 20.07.2021 to the authority concerned. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.



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3.The learned counsel appearing for the fourth respondent would submit that the fourth respondent is renovating the existing building and she is not making any new construction and therefore, no permission is required for such renovation work.

4.Considering the submissions made on either side, without going into the merits of the matter, we direct the third respondent to consider the representation of the petitioner dated 20.07.2021, and pass appropriate orders on merits and in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

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

NCC : Yes / No
Index : Yes / No
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and
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ORDER MADE IN
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