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W.P.(MD) No.16517 of 2022

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.16517 of 2022

Rajagopal

... Petitioner

-vs-

- 1.The Commissioner
Dindigul Corporation
Dindigul
- 2.The Member Secretary
Dindigul Local Planning Authority
Old No.762, New No.5
Thiruvaluvar Street
Spencer Compound
Dindigul-624 003
- 3.The Executive Engineer
& Administrative Officer
Tamilnadu Housing Board
Madurai Housing Unit (Office)
Ellis Nagar, Madurai
- 4.Sathya
- 5.Rajalakshmi



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6.Jeeva

7.Thilagavathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to remove the unauthorized construction (commercial building) put up by the respondents 4 to 7 in the undivided share allotted for common usage for the apartment owners situated at HB-79, 80, 81, 82, 83, 84, R.M.Colony, Dindigul, Dindigul District, based on the representation of the petitioner dated 06.07.2022.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.J.Lawrance for R1
Mr.T.Amjad Khan
Government Advocate for R2
No appearance for R4 & R5
Mr.A.Chandrakumar for R6

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 3 to remove the unauthorized construction (commercial building) put up by the respondents 4 to 7 in the undivided share allotted by the Housing Board for common usage of the owners of the apartment situated at HB-79, 80, 81, 82,



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83, 84, R.M.Colony, Dindigul, Dindigul District, based on the representation of the petitioner dated 06.07.2022.

2. According to the petitioner, the respondents 4 to 7 have converted their undivided share of land, which is meant for residential purpose, into commercial purpose and let out the same for rent. Seeking to take necessary action against them, the petitioner made a representation dated 06.07.2022 to the respondents 1 to 3. Since no action was taken based on the petitioner's representation, the present writ petition has been filed.

3. Learned counsel appearing for the sixth respondent, on instructions, submits that there is no construction put up in the subject undivided share of land, as alleged by the petitioner.

4. Learned counsel appearing for the first respondent, on instructions, submits that necessary action will be taken against the respondents 4 to 7 for converting the purpose of the land, which is in fact a residential purpose, into a commercial purpose by putting up a construction in the undivided share allotted to them by the Housing Board.



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5. In view of above submission made by the learned counsel for the first respondent, we direct the first respondent to take necessary action for removal of the unauthorized construction made by the respondents 4 to 7 in the subject undivided share of land, after providing due opportunity to the parties concerned, in accordance with law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. 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

Internet : Yes / No

krk

To:

The Member Secretary,
Dindigul Local Planning Authority,
Old No.762, New No.5,
Thiruvalluvar Street,
Spencer Compound,
Dindigul-624 003.



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