



W.P(MD)No.19918 of 2020

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**

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Y.Chandra Prakash

... Petitioner

vs.

- 1 The District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3 The Commissioner
Aruppukottai Municipality,
Aruppukottai Town,
Virudhunagar District.
- 4 The Superintending Engineer,
Tamil Nadu Electricity Distribution Circle,
Virudhunagar,
Virudhunagar District.
- 5 S.Rengaraj
- 6 E.Sethuraman

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the official respondents to remove the illegal and unauthorized construction of commercial building built-up by the 6th respondent in the land belongs to the Sundara Moorthy Madam situated at T.S.No.12/14B, Aruppukottai



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Town, Aruppukottai, Virudhunagar District and direct the 1st respondent to take over the above land and construct small shops for the benefits of street vendors, small merchants and service personals like the petitioner, based on the petitioner's representation, dated 08.12.2020, within the period stipulated by this Honourable Court.

For Petitioner	: Mr.S.Velavadhas
For R-1	: Mr.N.Satheesh Kumar, Additional Government Pleader
For R-2	: Mr.S.S.Madhavan, Government Advocate(Crl. Side)
For R-3	: Mr.N.Dilip Kumar
For R-4	: Mr.S.Deenadhayalan
For R-5	: Mr.Ananth C.Rajesh
For R-6	: Mr.I.Sudhakaran

ORDER

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

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the official respondents to remove the illegal and unauthorized construction of commercial building built-up by the 6th respondent in the land belongs to the Sundara Moorthy Madam situated at T.S.No.12/14B, Aruppukottai Town, Aruppukottai, Virudhunagar District and to direct the 1st respondent to take over the above land and construct small shops for the benefits of street vendors, small merchants and service personals like the petitioner, based on the petitioner's representation, dated 08.12.2020, within a stipulated period.



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2. When the writ petition is taken up for hearing today, the learned Standing Counsel appearing for the Municipality, on instructions, would submit that already notice has been served on 11.01.2021 under Section 216 (1)(2) r/w Section 317 of the Tamil Nadu District Municipalities Act, 1920. After issuing notice, no further construction is carried out by the respondents 5 and 6.

3. In the light of the above, it is seen that that there is unauthorised construction put by the respondent 5 and 6 in the petition mentioned place. Therefore, the respondent/Municipality has to take necessary action for the demolition of the building by following the procedure as stated in ***M.Rahamathunisha and others Vs. Commissioner, Greater Chennai Corporation, Chennai and another*** reported in **2022 (6) CTC 145**.

4.Further, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O(2D)No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. As per the said Government Order, the Committee shall monitor the unauthorized construction of buildings within the jurisdiction limit and take action.

5.Therefore, we direct the third respondent-Municipality to take necessary action for removal of unauthorized construction put up by the



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respondents 5 and 6, after providing opportunity to all the parties concerned and file a report before the High Level Monitoring Committee, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of.

No Costs.

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

NCC : Yes / No
Index : Yes / No
PM

To

- 1 The District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3 The Commissioner
Aruppukottai Municipality,
Aruppukottai Town,
Virudhunagar District.
- 4 The Superintending Engineer,
Tamil Nadu Electricity Distribution Circle,
Virudhunagar,
Virudhunagar District.
5. The Chairperson,
High Level Monitoring Committee
Virudhunagar District.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

PM

ORDER MADE IN
W.P(MD)No.19918 of 2020

DATED : 25.03.2024