



W.P.(MD) No.24159 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD) No.24159 of 2018

and

W.M.P.(MD) No.21852 of 2018

A.N.Ramachandra Raja

... Petitioner

-VS-

1.The Collector
Collectorate
Virudhunagar
Virudhunagar District

2.The Tasildhar
Taluk Officer
Rajapalayam
Virudhunagar District

3.The Commissioner
Rajapalayam Municipality
Rajapalayam
Virudhunagar District

4.Anuman Singh

... 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 3 to restrain the fourth respondent from using Door No.2A/6 & 3A at Varikkal Singaraja Street, Rajapalayam, Virudhunagar District, for commercial activities as against the plan approval given by the third respondent, on the basis of representation made by the petitioner on 17.07.2018.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R2
Mr.N.Dilip Kumar
Standing Counsel for R3
Mr.S.Chellapandian for R4

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Prayer in this writ petition is to direct the respondents 1 to 3 to restrain the fourth respondent from using Door No.2A/6 & 3A at Varikkal Singaraja Street, Rajapalayam, Virudhunagar District, for commercial activities as against the plan approval given by the third respondent, on the basis of representation made by the petitioner on 17.07.2018.



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2. According to the petitioner, the fourth respondent though obtained planning permission for construction of a residential house, he has converted the residential building into a commercial building and using it for commercial activities against the permission he got from the third respondent.

3. The third respondent has filed a report, dated 17.12.2018, stating that on inspection of the building, he found that no setback area has been provided and the fourth respondent has put up construction in the first floor in deviation of the approved building plan and without obtaining planning permit, he has constructed second floor of the building. Further, he has stated that on 01.09.2018, he has issued a notice to the fourth respondent to remove the unauthorized constructions put up by him, but he has not responded to the notice.

4. On perusal of the papers, it is seen that a notice under Section 205(3) of the Tamil Nadu District Municipalities Act, 1920 has been issued by the third respondent to the fourth respondent as early as on 27.12.2018. However, thereafter, no action has been taken against the fourth respondent for his unauthorized construction, which shows that the third respondent is



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not interested in discharging his duties as against the unauthorized constructions.

5. Taking into consideration the fact that though a notice under Section 205(3) of the Tamil Nadu District Municipalities Act, 1920 has been issued to the fourth respondent as early as on 27.12.2018 and subsequently, it is seen that no action has been taken against him by the third respondent, we direct the third respondent to take necessary action for removal of unauthorized construction 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.

6. To be noted, 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. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government Order. The third respondent shall file an action taken report before the Monitoring Committee for removal of the unauthorized construction made by the fourth respondent.



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7. With the above directions, this writ petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., A.C.J.] [M.S.Q., J.]

06.09.2024

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

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To:

- 1.The Collector,
Collectorate,
Virudhunagar,
Virudhunagar District.
- 2.The Tasildhar,
Taluk Officer,
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