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W.P.(MD)No.20594 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20594 of 2022

and

W.M.P.(MD)No.14931 of 2022

S.Ramalingam

: Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

3.The Director,
Town and Country Planning,
Collectorate Office,
Sivagangai,
Sivagangai District.



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4.Suganya

5.The Chairperson,

High Level Monitoring Committee,

Sivagangai District.

: Respondents

[R5 is suo motu impleaded vide order dated 25.03.2024].

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to initiate action under Section 216 of District Municipalities Act, 1920 and Section 56 of Tamil Nadu Town and Country Planning Act, 1971, against the unauthorized construction / development made by the fourth respondent at old Town survey number 451/2, new town survey No.451/2A, Block No.11, Ward No. 17, to an extent of 1 acre 40 cents situated at Karaikudi Municipal Town, Senjai Main CMC Road, Karaikudi, Sivagangai District.

For Petitioner : Mr.A.R.Kannappan

For Respondent No.1 : Mr.S.P.Maharajan

Special Government Pleader

For Respondent No.2 : Mr.D.Venkatesh

Standing Counsel



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ORDER

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The petitioner seeks to direct the respondents 1 to 3 to initiate action under Section 216 of District Municipalities Act, 1920 and Section 56 of Tamil Nadu Town and Country Planning Act, 1971, against the unauthorized construction / development made by the fourth respondent at old Town survey number 451/2, new town survey No.451/2A, Block No.11, Ward No.17, to an extent of 1 acre 40 cents situated at Karaikudi Municipal Town, Senjai Main CMC Road, Karaikudi, Sivagangai District.

2.The petitioner alleges that the fourth respondent is unlawfully constructing a commercial building in the property in question. Despite the stop work notice issued by the respondent Municipality, the fourth respondent has proceeded with the construction work and the same is going to be completed.

3.On the earlier occasion, this Court had directed the High Level Monitoring Committee and the Commissioner of Karaikudi Municipality to monitor the said unauthorised construction and to file a status report before this Court.



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4.The learned Standing Counsel for the respondent Municipality would submit that on inspection it is found that the said construction of the building is unauthorised and therefore, now action has been initiated for removal of the said unauthorised construction by issuing necessary notices to the fourth respondent.

5.Further, the High Level Monitoring Committee also undertake that the said action of the Municipality will be monitored by the Committee.

6.Recording the stated position of the official respondents, this Court directs the Municipality to take action for removal of the unauthorised construction, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.J.] & [R.V.J.]

28.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

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W.P.(MD)No.20594 of 2022

D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

W.P.(MD)No.20594 of 2022

28.03.2024