



W.P(MD)No.13769 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.13769 of 2018
and
W.M.P(MD)Nos.12504 & 12505 of 2018
& 18535 of 2023**

D.Raju

... Petitioner

vs.

- 1.The Principal Secretary,
Municipal Administration and Water Supply Department,
State of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai.
- 2.The Director,
Office of the Director of Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.
- 3.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 4.The Deputy Director,
Town and Country Planning,
Sivagangai Region,
No.430, Gandhi Veethi, Sivagangai – 630 561.



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5.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

6.The Maharaja Textiles and the New Maharaja
Readymades for Men,
Represented by its,
Managing Director,
J.Sahabar Ali.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to initiate necessary action against the unauthorized construction of Maharaja Textiles and the new Maharaja readymades for men put up by the sixth respondent causing disturbance to free flow of traffic on the Madurai-Rameswaram main road and just opposite to the Ramanathapuram District Head Quarters hospital in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.S.Malaikani
For Respondent Nos.1 to 4	: Mr.S.P.Maharajan Special Government Pleader
For Respondent No.5	: Mr.A.Kannan
For Respondent No.6	: Mr.J.M.Hassanul Bazari



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ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to initiate necessary action against the unauthorized construction of Maharaja Textiles and the new Maharaja readymades for men put up by the sixth respondent which causes disturbance to free flow of traffic on the Madurai-Rameswaram main road and just opposite to the Ramanathapuram District Head Quarters hospital in accordance with law within the time stipulated by this Court.

2. According to the petitioner, the sixth respondent had constructed a building without valid approval and proper permission from the competent authority. Seeking to remove the said unauthorized construction, the petitioner sent a representation dated 07.05.2018 to the authorities concerned. Pursuant to the same, the fourth respondent vide proceedings, dated 10.05.2018, issued a notice to the sixth respondent under Sections 56 and 57 of the Town and Country Planning Act, 1971. Since no action has been taken by the authorities concerned, the petitioner has filed the present Writ Petition.



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3.The learned counsel appearing for the sixth respondent would submit that the sixth respondent is a tenant in the property in question and he has already vacated the premises.

4.The fifth respondent filed a counter-affidavit wherein it is stated that the construction of the sixth respondent's building is exceeding the permission limit of the fifth respondent's approval and hence, the fourth respondent alone is the competent authority to look into the matter.

5.Considering the facts and circumstances of the case, the fourth respondent is directed to inspect the property in question and if there is any unauthorized construction or deviation, the fourth respondent is directed to pass appropriate orders on merits and in accordance with law, after providing due opportunity to the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
12.02.2024

NCC : Yes / No
Index : Yes / No
ps

To

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

ps

ORDER MADE IN
W.P(MD)No.13769 of 2018

DATED : 12.02.2024