



W.P.(MD) No.10498 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.10498 of 2015
and M.P.(MD)No.1 of 2015

V.A.Ganesan

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Theni District.
- 2.The Commissioner,
Theni Municipality,
Theni-Allinagaram, Theni District.
- 3.The Executive Engineer (Theni Town),
O/o.The Executive Engineer (Theni Town),
N.R.T. Main Road, Theni.
- 4.The Assistant Engineer (Theni Town),
O/o.The Executive Engineer (Theni Town),
N.R.T. Main Road, Theni.



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5.K.Murugesan

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... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take action against the 5th respondent as per communication in Na.Ka.No.743/2015/F1 dated 23.3.2015 of the 2nd respondent and forbearing the 5th respondent from putting up further construction without following due process of law in survey No.482/B and survey No.418, Allinagaram Village, Theni Taluk and Theni District by considering the representations of the petitioner dated 17.06.2015 & 20.06.2015.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1
Mr.G.Kaleeswaran for R2
Mr.S.Deenadhayalan for R3 & R4
Mr.N.Dilipkumar for R5

ORDER

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

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take action against the 5th respondent as per



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communication in Na.Ka.No.743/2015/F1 dated 23.3.2015 of the 2nd respondent and forbearing the 5th respondent from putting up further construction without following due process of law in Survey No.482/B and Survey No.418, Allinagaram Village, Theni Taluk and Theni District by considering the representations of the petitioner dated 17.06.2015 & 20.06.2015.

2. According to the petitioner, the fifth respondent has put up unauthorised construction in the aforesaid property in question. However, the respondent Municipality has not taken any steps for removal of unauthorised constructions. The learned counsel appearing for the petitioner submitted that the petitioner has filed a suit before the Civil Court and an Advocate Commissioner was appointed and he has also filed his report before the Civil Court.

3. The learned counsel appearing for the second respondent Corporation submits that necessary action will be taken for removal of unauthorised constructions.



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4. In view of the above, we direct the respondent Municipality Corporation to conduct detailed enquiry by providing opportunity to the petitioner as well as the fifth respondent and to take appropriate action, if found any unauthorised construction in the aforesaid property in question, as early as possible without any further delay.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [M.S.K., J.]
09.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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