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W.P.(MD) No.5818 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

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

W.P.(MD) No.5818 of 2014

S.Sarvagan Prabhu

... Petitioner

-vs-

1.The Assistant Director
Dindigul Local Planning Authority
Tamilnadu Town and Country Planning Department
No.5, Thiruvalluvar Salai
7th Cross, Spencer Compound
Dindigul-3

2.The Commissioner
Dindigul Corporation
Dindigul

3.J.Gomathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the illegal and unauthorized building constructed by the third respondent in the land in



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Survey Nos.171/4A & 171/4B, Ward No.6, Race Course Extension Scheme Part I, Balakrishnapuram, Dindigul and the road, on the basis of the communication of the first respondent in Na.Ka.No.172/2012/TLPA dated 08.08.2012, within the time stipulated by this Court.

For Petitioner : Mr.D.Kirubakaran

For Respondents : Mr.N.GA.Natraj
Government Advocate for R1
Mr.J.Lawrance
Standing Counsel for R2
No appearance for R3

ORDER

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

Prayer in this writ petition is to direct the respondents to remove the illegal and unauthorized construction made by the third respondent in the land in Survey Nos.171/4A & 171/4B, Ward No.6, Race Course Extension Scheme Part I, Balakrishnapuram, Dindigul and on the road, on the basis of the communication of the first respondent in Na.Ka.No.172/2012/TLPA dated 08.08.2012, within the time stipulated by this Court.



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2. Learned Standing Counsel appearing for the second respondent, on instructions, submitted that based on the representation given by the petitioner, the respondent – Corporation will conduct a survey in the subject land in the presence of the petitioner as well as the third respondent and on inspection, if any violation of the building rules or any unauthorized construction is found, necessary action will be taken in accordance with law.

3. Recording the above submission of the learned Standing Counsel appearing for the respondent – Corporation, we direct the second respondent / Commissioner, Dindigul Corporation, Dindigul, to issue a notice to the petitioner as well as the third respondent for conduct of survey in the subject land and on survey, if any violation of the building rules or any unauthorized construction is found, necessary action shall be taken in accordance with law. 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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4. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

02.01.2024

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

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To:
The Assistant Director,
Dindigul Local Planning Authority,
Tamilnadu Town and Country Planning Department,
No.5, Thiruvalluvar Salai,
7th Cross, Spencer Compound,
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