



W.P(MD)No.16654 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

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

**W.P(MD)No.16654 of 2018
and
W.M.P(MD)No.14739 of 2018**

Kannan

... Petitioner

VS.

1.The Commissioner,
Pattukkottai Municipality,
Pattukkottai.

2.Mohan Singh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to initiate appropriate proceedings against the second respondent to remove the unauthorized construction made in T.S.No.6, Block 24, Ward B, New Survey No.86L/9 Pattukkottai Town to an extent of 320 square meter and T.S.No.103, Block 24, Ward B, New Survey No.86L/9, Pattukkottai Town under the relevant rules.



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For Petitioner : M/s.V.Muthkamatchi
For Respondent No.1 : Mr.S.Deenadhayalan
For Respondent No.2 : Mr.D.Venkatesh

ORDER

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

Prayer in this Writ Petition is to direct the first respondent to initiate appropriate proceedings against the second respondent to remove the unauthorized construction made in T.S.No.6, Block 24, Ward B, New Survey No.86L/9 Pattukkottai Town to an extent of 320 square meter and T.S.No.103, Block 24, Ward B, New Survey No.86L/9, Pattukkottai Town under the relevant rules.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.According to the petitioner, the second respondent, without obtaining any permission from the authority concerned, has constructed the building in question. Further, a civil suit is pending between the parties in respect of the subject property. Seeking to take action against the said



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unauthorized construction, the petitioner made a representation dated 27.06.2018 to the first respondent. However, the said representation of the petitioner has not been considered. Hence, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the second respondent seeks time to approach the first respondent for getting proper permission for construction of the building in question, for which, the learned counsel appearing for the petitioner has no objection.

5.In view of the above, as agreed by both the parties, we are inclined to issue the following directions:

(i) The second respondent is directed to approach the first respondent for getting proper permission for the construction of the building in question, within a period of twelve weeks from the date of receipt of a copy of this order.



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(ii) If there is any default on the part of the second respondent in getting approval from the authority concerned within the stipulated time, the first respondent is entitled to take further course of action for removal of unauthorized construction in the building in question in accordance with law.

(iii) We make it clear that the second respondent undertakes that if he is not succeeding in the pending civil suit, he will not claim any equity in the aforesaid construction of the building, in the subject matter of the property.

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

[D.K.K.,J.] [R.V.,J.]
27.03.2024

NCC : Yes / No
Index : Yes / No
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To

The Commissioner,
Pattukkottai Municipality,
Pattukkottai.



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

ps

ORDER MADE IN
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DATED : 27.03.2024