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W.P.(MD) No.21143 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

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

**W.P.(MD) No.21143 of 2021
and
W.M.P.(MD) No.17712 of 2021**

S.Arunbabu

... Petitioner

-vs-

- 1.The District Collector /
Inspector of Panchayats
Tiruchirappalli District
Collectorate, Tiruchirappalli
- 2.The Deputy Director of Town
and Country Planning
Tiruchy Region
Kajamalai Main Road
Kajamalai
Tiruchirappalli-620 023
- 3.The Panchayat President
Mutharasanallur Village Panchayat
Mutharasanallur Post
Srirangam Taluk
Trichy-620 101



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4.The President
The Anthanallur Panchayat Union
Anthanallur
Mutharasanallur Post
Srirangam Taluk
Trichy-620 101

5.A.Kannan

6.K.Baby

7.G.Subramanian

8.S.Jothi Priyadarshini

... 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 consider the petitioner's representation dated 06.08.2021 and to inspect the disputed construction carrying on by the respondents 5 to 8 at Plot No.13, Ashtalakshmi Nagar, Kaikudi Street, Mutharasanallur, Srirangam Taluk, Trichy and to stop the unauthorized construction as per the existing provision under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.P.Thiyagarajan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R2
Ms.S.Vinodhini for R3



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ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 4 to consider the petitioner's representation dated 06.08.2021 and to inspect the disputed construction carrying on by the respondents 5 to 8 at Plot No.13, Ashtalakshmi Nagar, Kaikudi Street, Mutharasanallur, Srirangam Taluk, Trichy and to stop the unauthorized construction as per the existing provision under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971.

2. According to the petitioner, he has constructed a house in Plot No.14, Ashtalakshmi Nagar, Kaikudi Street, Mutharasanallur, Srirangam Taluk, Trichy District. The respondents 7 and 8 were originally having Plot No.13, adjacent to the petitioner's plot, and they split up the same sold it to the respondents 5 and 6. The seventh respondent, who is a Building Contractor, started construction in the said Plot No.13 for the respondents 5 and 6, without obtaining necessary building plan approval and permission under Tamil Nadu Panchayat Act and its Building Rules, 1997 as well as Tamil Nadu Combined Development and Building Rules, 2019. While putting



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up the construction, they have encroached upon the petitioner's compound wall. Seeking to remove the said unauthorized construction, the petitioner gave a representation to the official respondents on 06.08.2021. However, the official respondents have not taken any action based on the said petitioner's representation. Hence, this writ petition.

3. Learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, submits that if the construction made by the respondents 5 to 8 is found to be an unauthorized construction, the authority concerned will take necessary action for removal of the same in accordance with law.

4. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, we direct the second respondent to consider the petitioner's representation dated 06.08.2021, and pass orders on merits and in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. To be noted, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government Order. The second respondent shall file an action taken report before the Monitoring Committee for removal of the unauthorized construction made by the respondents 5 to 8.

6. With the above direction, this writ petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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