



W.P(MD)No.22403 of 2018

WEB COPY 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.22403 of 2018

M.Dhanalakshmi

... Petitioner

VS.

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Assistant Director of Panchayats,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Block Development Officer
(Village Panchayat),
Thiruverambur,
Tiruchirappalli District.
- 4.Krishnasamuthiram Panchayat,
Represented by its Special Officer /
(Block Development Officer),
Krishnsamuthiram,
Tiruchirappalli District.

5.Rukmani

... Respondents



W.P(MD)No.22403 of 2018

WEB PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 3 and 4 to take action against the fifth respondent under Rule 34 of the Tamil Nadu Panchayats Buildings, 1997 and demolish the unauthorized construction made by the fifth respondent in D.No.4/41-B, Survey No.336/2A, Ganesapuram, Krishnasamuthiram, Thiruverambur Taluk, Trichirappalli District within a time frame fixed by this Court.

For Petitioner	: Mr.M.Saravanan
For Respondent Nos.1 to 4	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.5	: Mr.G.S.Asok Adhithyan

ORDER

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

Prayer in this Writ Petition is to direct the respondents 3 and 4 to take action against the fifth respondent under Rule 34 of the Tamil Nadu Panchayats Buildings, 1997 and demolish the unauthorized construction made by the fifth respondent in D.No.4/41-B, Survey No.336/2A, Ganesapuram, Krishnasamuthiram, Thiruverambur Taluk, Trichirappalli District within a time frame fixed by this Court.



W.P(MD)No.22403 of 2018

WEB COPY

2. According to the petitioner, she purchased a plot measuring 1680 square feet in Survey No.336/2 of Krishnasamuthiram Village and constructed a small tiled house measuring 500 square feet. Subsequently, she changed the roof as RCC roof and kept the remaining area of the plot as vacant land. In the meantime, the fifth respondent, who has a house nearby the petitioner's house, without leaving any side set back, has started to put up additional construction abutting the petitioner's boundary. Further, the fifth respondent has not obtained any planning permission from the authorities concerned. Hence, the petitioner sent a detailed representation dated 22.09.2018 to the respondents 1 to 3 to take action against the fifth respondent. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the fifth respondent would submit that the fifth respondent died. However, the learned counsel submitted that the aforesaid building has been constructed as per the approved plan and therefore, there is no violation of the building rules.

4. The abovesaid fact has been disputed by the petitioner stating that there is a violation in the building rules.



W.P(MD)No.22403 of 2018

WEB COPY

5.Considering the submissions made on either side, we are of the view that all these aspects cannot be gone into in a Writ Petition filed under Article 226 of the Constitution of India and further, the fifth respondent is no more. Hence, we direct the fourth respondent to consider the representation of the petitioner dated 21.07.2021 and if the construction made by the fifth respondent is found to be an unauthorized construction, the authority concerned shall take necessary action for removal of the same 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.

6.With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
18.03.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.22403 of 2018

WEB COPY

To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Assistant Director of Panchayats,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Block Development Officer
(Village Panchayat),
Thiruverambur,
Tiruchirappalli District.
- 4.Krishnasamuthiram Panchayat,
Represented by its Special Officer /
(Block Development Officer),
Krishnsamuthiram,
Tiruchirappalli District.



WEB COPY



W.P(MD)No.22403 of 2018

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

ps

ORDER MADE IN
W.P(MD)No.22403 of 2018

DATED : 18.03.2024