



W.P(MD)No.26260 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

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

W.P(MD)No.26260 of 2019

A.Karmegam

... Petitioner

VS.

- 1.The District Collector,
District Collectorate,
Madurai – 625 020.
- 2.The Deputy Director,
Town and Country Planning,
Madurai – 625 002.
- 3.The Assistant Director (Panchayat),
Madurai West Union,
Madurai.
- 4.The Member Secretary,
Madurai Local Planning Authority,
Madurai.
- 5.The Block Development Officer,
Chettikulam Panchayat,
Madurai West Union,
Madurai.
- 6.V.Ganesan

... Respondents



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WEB PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action in accordance with law to demolish the illegal and unauthorized construction made by the sixth respondent in Re-survey No.119/4A, [Plot No.11], Devinagar Extension, Chettikulam Panchayat, Madurai West Union, Madurai, within a time frame stipulated by this Court.

For Petitioner : Mr.B.S.Meltiue

For Respondent Nos.1 to 5 : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent No.6 : No appearance

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to take appropriate action in accordance with law to demolish the illegal and unauthorized construction made by the sixth respondent in Re-survey No.119/4A, [Plot No.11], Devinagar Extension, Chettikulam Panchayat, Madurai West Union, Madurai, within a time frame stipulated by this Court.



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2.The learned counsel appearing for the petitioner would submit that the sixth respondent has constructed four storey building for commercial purpose without any building approval from the competent authority. Hence, the petitioner sent a representation to the first respondent. Pursuant to the same, the third respondent/the Assistant Director, Madurai, vide proceedings in Na.Ka.No.0056/2019/A-4, dated 05.07.2019 directed the fifth respondent/Block Development Officer to take appropriate action on the illegal construction put up by the sixth respondent. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.No representation for the sixth respondent.

4.Considering the materials available on record, it is seen that the sixth respondent has constructed the building in Plot No.10, R.S.No.119/4, Devinagar Extension, Chettikulam Panchayat, Madurai without obtaining any planning permission from the authority concerned. Hence, in the light of the proceedings issued by the third respondent dated 05.07.2019, we direct the fifth respondent to take necessary action as



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against the sixth respondent for the unauthorized construction in the building in question, in accordance with law, after providing due opportunity to the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

[D.K.K.,J.] [R.V.,J.]
07.03.2024

NCC : Yes / No
Index : Yes / No
ps



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

ps

ORDER MADE IN
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DATED : 07.03.2024