



W.P.(MD)No.22513 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.22513 of 2017

P.Ayyadurai

: Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Tahsildar Office,
Theni.

3.The Commissioner,
Theni Allinagaram Municipality,
Theni.

4.The Divisional Engineer,
Highway Department,
Theni.

5.Dr.S.R.Saraswathi

6.V.Panchalingam

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 05.10.2017.

For Petitioner : Mr.M.Prabhu
For Respondents 1,2 & 4 : Mr.T.Amjadkhan
Government Advocate
For Respondent No.3 : Mr.G.Kaleeswaran
Standing Counsel
For Respondent No.5 : Mr.R.Govindaraj
For Respondent No.6 : No appearance

O R D E R

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

This Writ Petition has been filed for a direction to the respondents 1 to 4 to consider the representation of the petitioner dated 05.10.2017.

2.When the matter was taken up for hearing, learned Standing Counsel appearing for the third respondent submitted that the Commissioner, Theni Allinagaram Municipality has filed a



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counter affidavit. In paragraph No.6 of the counter affidavit, it is stated as follows:

“6.I submit that the 5th respondent had put a zinc sheet roof to an extent of 80 x 200 feet and totally 16,000 square feet and used as godown. I submit that likewise, the 6th respondent herein has constructed a house to an extent of 1790.25 square feet in ground floor and to an extent of 1790.25 square feet in first floor. I submit that now this respondent has issued preliminary notice under section 56 & 57 of The Tamil Nadu Town and Country Planning Act, 1971 for lock and seal on 14.09.2022 and given 3 days time to the respondents 5 & 6 and thereafter this respondent herein has issued final notice under Section 56 & 57 of The Tamil Nadu Town and Country Planning Act, 1971 issued to the respondents 5 & 6 on 17.09.2022 giving 30 days to rectify the same, failing which this respondent is going to lock and seal the unauthorised construction constructed by the respondents 5 & 6 respectively. I further submit that this respondent has also issued notice under Section 216(3) of the Tamil Nadu District Municipalities Act, 1920. I further submit that after lock and seal the building, this respondent will take steps to demolish the building as the buildings are unauthorised constructions. I submit that this respondent has taken all effective steps in this matter.”



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3.In view of the above, we direct the Municipality to take necessary action for removal of unauthorized construction in the said property in accordance with law as early as possible, in any event within a period of twelve [12] weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner and respondents 5 & 6.

4.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K.,J.] & [M.S.K.,J.]
22.01.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR



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To

1.The District Collector,
Theni District.

2.The Tahsildar,
Tahsildar Office,
Theni.

3.The Commissioner,
Theni Allinagaram Municipality,
Theni.

4.The Divisional Engineer,
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Theni.



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D.KRISHNAKUMAR, J.
and
MUMMINENI SUDHEER KUMAR, J.

MR

ORDER MADE IN
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22.01.2024