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W.P.(MD) No.29277 of 2022

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**

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Dharbaniswara Eletrick Company
rep.by its Managing Partner
V.S.Chidambaranathan
S/o.Late.R.Sithalingam
PU 7 and PU8 Electrical and
Electronics Estate
Thuvakudi, Trichy-620 015

... Petitioner

-vs-

- 1.The Joint Director of Industries and Commerce
(Electrical and Electronics)
Chennai-600 005
- 2.The Commissioner
Thuvakudi Municipality
Thuvakudi, Trichy-620 015
- 3.The Branch Manager
Tamil Nadu Small Industries
Development Corporation Ltd.,
SIDCO Industrial Estate
Ariyamangalam, Trichy-620 010



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4.Meena Parkavi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2 and 3 to take appropriate steps on the illegal and unapproved construction carried out by the fourth respondent at eastern periphery of Plot No.L14 and L15 locate at Electrical and Electronics Estate, SIDCO, Thuvakudi, Trichy-15, on the basis of third respondent's official communication dated 18.08.2022 and on the petitioner's representations dated 26.11.2022 and 05.12.2022.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : No appearance for R1 & R2
Mr.T.Sakthi Kumaran for R3
Mr.M.Saravanan for R4

ORDER

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

Prayer in this writ petition is to direct the respondents 2 and 3 to take appropriate steps on the illegal and unapproved construction carried out by the fourth respondent at the eastern periphery of Plot Nos.L14 and L15, Electrical and Electronics Estate, SIDCO, Thuvakudi, Trichy-15, on the basis



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of third respondent's official communication dated 18.08.2022 and on the petitioner's representations dated 26.11.2022 and 05.12.2022.

2. According to the petitioner, the fourth respondent is constructing a compound wall, without obtaining any permission from the authority concerned, in the western periphery of the petitioner's part of the estate. The said construction of compound wall chokes the outlet and inlet of free air, which results in environmental difficulties. Therefore, seeking to take action the fourth respondent for the unauthorized construction compound wall, the petitioner made a representations dated 26.11.2022 and 05.12.2022 to the respondents 2 and 3. However, thereafter, no action was taken by them based on the petitioner's representation. Hence, this writ petition.

3. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, we direct the respondents 2 and 3 to consider the petitioner's representation dated 05.12.2022, 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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4. 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 fourth respondent.

5. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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and
R.VIJAYAKUMAR, J.

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