



WEB COPY



W.P.No.2784 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.2784 of 2025

Indhra

... Petitioner

Vs.

1. The District Collector,
Dharmapuri,
Dharmapuri District.
2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
3. The Block Development Officer / Executive Officer,
Ilakkiyapatti Panchayat Union,
Dharmapuri District.
4. R.Sudhakar
Respondents

...

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 1 to 3 to remove the unauthorised construction made by the 4th respondent in Survey



W.P.No.2784 of 2025

No.320/11 situated at Balajengamanalli Village, Nallampally Taluk, Dharmapuri District in violation of the Planning Permission Order issued by the 3rd respondent in ROC No.39/2023, dated 15.02.2024 based on the petitioner's representation dated 26.12.2024 within stipulated time.

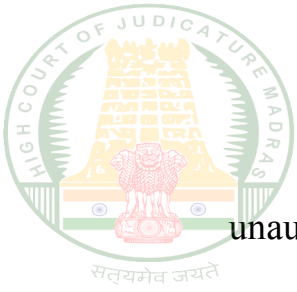
For Petitioner : Mr. C. Prabakaran
For R1 & R2 : Mr. T. Chandraselaran
Special Government Pleader
For R3 : Mr. M. Muthusamy, Government Advocate
For R4 : Mr. S. Esaikkimuthu

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the respondents 1 to 3 to remove unauthorized construction made by the 4th respondent in Survey No.320/11 situated at Balajengamanalli Village, Nallampally Taluk, Dharmapuri District in violation of the Planning Permission Order issued by the 3rd respondent in ROC No.39/2023, dated 15.02.2024 based on the petitioner's representation dated 26.12.2024 within stipulated time.

2. The fourth respondent is constructing a building and the petitioner, who is the adjacent land owner found that the petitioner is constructing



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unauthorized constructions in violation of the building plan permission granted. Since large scale violations are noticed, the petitioner made a complaint to the third respondent. The third respondent conducted an inspection and found large scale unauthorized constructions are put up by the fourth respondent in his land.

3. The written instructions given to the Special Government Pleader by the Block Development Officer vide letter dated 18.02.2025 reveals that the fourth respondent has put up unauthorized constructions to larger extent and consequently notice was issued to the fourth respondent.

4. The learned counsel for the fourth respondent would submit that the notice has already been received by the fourth respondent, who in turn submitted his explanations.

5. Pertinently, the Act contemplates penalty clauses under Section 86 onwards, while initiating criminal prosecution against such violators, the builders/contractors are also to be examined, whether they have committed abutment.



W.P.No.2784 of 2025

WEB COPY

6. That being so, all further actions are to be initiated in pursuance to the notice already issued to the fourth respondent. The fourth respondent is at liberty to defend his case. The respondents 1 to 3 are directed to complete the enquiry process and demolish unauthorized constructions identified if any, by following the due procedures. The criminal prosecution is also to be initiated. The entire exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order.

7. The writ petition stands disposed of. There shall be no order as to costs.

(S.M.S., J.) (K.R.S., J.)
25.02.2025

ssi
Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No



W.P.No.2784 of 2025

To

WEB COPY

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S. M. SUBRAMANIAM., J.

AND



WEB COPY



W.P.No.2784 of 2025

K. RAJASEKAR., J.

ssi

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