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W.P.No.12333 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.12333 of 2022

and

W.M.P.No.20004 of 2024

S.Suresh Manohar

...Petitioner

Vs

1. The Zonal Officer
Zone-I, Vellore City Municipal Corporation
Tharapadavedu
Katpadi - 632 007.
2. The Commissioner
Vellore City Municipal Corporation
Vellore - 632 001.
3. K.T.Sree Lakshmi
W/o.Thulasiraman
4. K.N.Thulasiraman
5. The Tahsildar, Katpadi
Vellore District.

...Respondents

* R5 suo-motu impleaded vide order dated 06.02.2024
in W.P.No.12333 of 2022.

Writ Petition filed under Article 226 of the Constitution of India to

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issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate and necessary action in accordance with law against unauthorized construction mentioned herein above based on the petitioner's representations dated 08.12.2021 and 29.12.2021 to the 1st and 2nd respondents respectively within a time frame.

For Petitioner : Mr.V.Ajay Khose
For Respondents : Mr.P.S.Prabhu
Standing Counsel, for R1 and R2
Ms.K.Safra Banu
representing Mr.K.Pattabhi
for R3 and R4
Mr.T.K.Saravanan
Additional Government Pleader
for R5

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned matter is listed under the cause list caption 'FOR DISMISSAL'.

2. Mr.V.Ajay Khose, learned counsel on record for writ petitioner, who is before us in the physical Court expresses regret for missing the matter in the previous listing. However, learned counsel submits that he is ready to advance submissions today.

3. As regards respondents, Mr.P.S.Prabhu, learned standing counsel



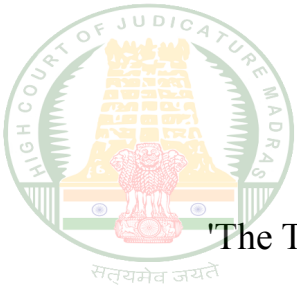
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for R1, R2 is before us in the physical Court, Ms.K.Safra Banu, learned counsel representing counsel on record for R3, R4 is before us on 'Videoconferencing' {'VC'} platform and Mr.T.K.Saravanan, learned Additional Government Pleader for R5 is before us in the physical Court. To be noted, this is a hybrid hearing, which is a daily / regular / routine feature in this court.

4. We heard all the aforementioned counsel.

5. Captioned matter turns on a short point. The case of the writ petitioner is that R3 and R4 have (a) put up construction in violation of norms and (b) encroached upon public land. To be noted, it is submitted that the issues pertain to Plot No.2 in S.F.No.317/7 in Vellore Corporation.

6. Learned Standing Counsel for Vellore Corporation (R1 and R2), advertent to counter affidavit which is also before us submits that as regards construction in violation of norms, notice dated 29.09.2023 has been issued to R3 regarding deviation from building plan followed by proceedings under



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'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity). Let this proceedings

be carried to its logical end on its own merits and in accordance with law as expeditiously as the business of R1 and R2 permit but in any event within eight weeks from today i.e., on or before 13.05.2025.

7. As regards encroachment in public land, Mr.T.K.Saravanan, learned State Counsel for R5 submits that a survey has been conducted, there is an encroachment and necessary notice will be issued to the Vellore City Municipal Corporation and they in turn will take action under TNULB Act, as the land vests in Vellore City Municipal Corporation. Let this exercise commence within a fortnight i.e., on or before 01.04.2025 and let it be concluded as expeditiously as the business of official respondents would permit.

8. We make it clear that we have not expressed any view or opinion on the allegations of deviation or encroachment. All questions are left open. All rights and contentions of all parties are preserved and matters will be decided on their own merits and in accordance with law.

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[M.S.,J.]

[K.G.T.,J.]

18.03.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

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Tharapadavedu
Katpadi - 632 007.
2. The Commissioner
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3. The Tahsildar, Katpadi
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M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

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