



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P No. 15436 of 2025 and

WMP No.17450 of 2025

K.Munusamy

... Petitioner

Vs.

1. The Corporation Commissioner,
Office of the Salem Corporation Commissioner,
Salem.
2. The Thasildhar, Office of the Thasildhar,
Salem City and District.
3. The Inspector of Police, Office of the Commissioner of Police,
Land Grabbing Cell, Salem.

4. Panner Selvam

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to demolish the illegal building construction constructed by the 4th respondent at property in Aathukadu, Hasthampatti, Salem District in S.No.1/34 and further direction directing the respondents 2 and 3 to consider the petitioner's representation dated 03.02.2025 particularly 2, 3 respondents to implement the order of the 1st respondent dated 27.03.2025, within a time limit fixed by this court.



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For Petitioner(s): Mr.R.K.Arjun Raj

For Respondent(s): Mr.M.Venkateswaran,
Special Government Pleader
for R1 and 2

Mr. Babu Muthumeeran
Additional Public Prosecutor for R3

Mr.S.Arjun for R4

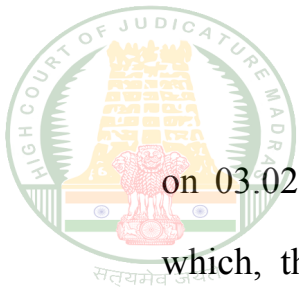
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ORDER

(Order of the Court was made by *J.NISHA BANU, J.*)

This Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to demolish the illegal construction made by the 4th respondent in S.No.1/34, Aathukadu, Hasthampatti, Salem District and also direct the respondents 2 and 3 to consider the petitioner's representation dated 03.02.2025 and to implement the order of the 1st respondent dated 27.03.2025, within a time limit fixed by this court.

2. It is the case of the petitioner that the 4th respondent, without obtaining proper permission from the authorities concerned is constructing the building, illegally, in the patta land allotted to one Indrani by encroaching some sq.ft. of the land, allotted to the petitioner and now, he completed 60% of the construction. According to him he gave representation to the respondents 1 to 3



on 03.02.2025 about the illegal construction made by the 4th respondent for which, the first respondent sent a communication to the 3rd respondent on 27.03.2025 to take necessary action against the 4th respondent to stop the work, until the 2nd respondent submits his report. However, they have not taken any action and hence he filed the present writ petition.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2, learned Additional Public Prosecutor appearing for the third respondent and the learned counsel appearing for the 4th respondent.

4. It is the grievance of the petitioner that the 4th respondent is constructing the building, without getting proper permission from the authorities concerned, by encroaching the part of the land belonging to him. Though the petitioner sought for a direction to the respondents 2 and 3 to act and implement the order of the first respondent dated 27.03.2025, without going into the merits of the matter, we are inclined to direct the Commissioner, Salem Corporation/ first respondent to consider the representation of the petitioner dated 03.02.2025 and take action, after affording opportunity of personal hearing to the petitioner and the 4th respondent and pass orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above observations and directions, this writ petition is disposed of. Connected miscellaneous petition is closed. There shall be no order as to costs.

(J.N.B.J.)

(M.J.R.J.)

25.06.2025

mst

To

1. The Corporation Commissioner,
Office of the Salem Corporation Commissioner,
Salem.
2. The Thasildhar, Office of the Thasildhar,
Salem City and District.
3. The Inspector of Police, Office of the Commissioner of Police,
Land Grabbing Cell, Salem.



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