



W.P.No.15775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.15775 of 2024
and W.M.P.No.17179 of 2024

Arunkennedy

... Petitioner

Vs.

1.The Commissioner,
Kallakurichi Municipality,
Kallakurichi.

2.Pandian

3.Madheswaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 21.05.2024 consequently direct the first respondent to take necessary action on the respondent 2 & 3 to stop further construction in S.Nos.101/13, 101/6 in Kallakurichi Village.

For Petitioner : Mr.S.N.Subramani

For Respondent 1 : Mr.L.P.Maurya,
Standing Counsel

For Respondents 2 & 3 : Mr.K.Selvaraj



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ORDER

The petitioner has filed this petition to direct the respondents to consider the petitioner's representation dated 21.05.2024 consequently direct the first respondent to take necessary action on the respondent 2 & 3 to stop further construction in S.Nos.101/13, 101/6 in Kallakurichi Village.

2. The case of the petitioner is he residing at Gandhi Road, Kallakurichi, states that the second and third respondents have commenced building construction of a commercial building measuring 20x6 adjacent to the petitioner's property in Survey Nos.101/6 and 101/13 of Kallakurichi village, without obtaining planning permission or following statutory requirements such as setback or subdivision. Though the respondent's family members had earlier filed W.P. No. 7262 of 2022 seeking patta, the Tahsildar, after due enquiry, rejected the same due to discrepancies in land measurements. The said survey numbers are under a joint Patta No.2037, held by both the petitioner and respondents 2 & 3. The petitioner made a representation to the first respondent on 21.05.2024, both in person and by

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post, following which the first respondent issued a notice to the second and third respondents under Section 133(5) and 135(1) of the Tamil Nadu Urban Local Bodies Act, 1998 on 22.05.2024.

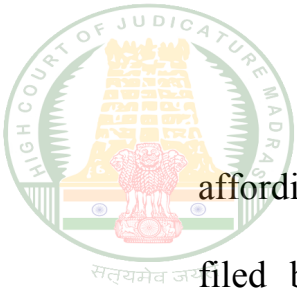
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3. Though many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the first respondent to consider the petitioner's representation dated 21.05.2024 on merits, in accordance with law and pass appropriate orders , within a time frame to be fixed by this Court.

4. Learned standing counsel appearing for the first respondent has filed a counter affidavit dated 29.08.2024.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Considering the limited relief sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 21.05.2024, after giving due notice to the petitioner as well as respondents 2 & 3,



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affording an opportunity of personal hearing and considering the documents filed by both the parties on merits, in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

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7. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

04.04.2025

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

To:
The Commissioner,
Kallakurichi Municipality,
Kallakurichi.



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J.SATHYA NARAYANA PRASAD,J.

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