



W.P.(MD)No.3280 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.3280 of 2021

and

W.M.P.(MD)No.2613 of 2021

S.Arumugam

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Director of Town and Country Planning,
807, Anna Salai, Chennai-600 002.

3.The Deputy Director of Town and Country Planning,
Tirunelveli Region, Xavier Colony,
South Bye-Pass Road,
Tirunelveli-627 005.

4.The Commissioner,
Sankarankovil Municipality,
173-Balasubramanian Salai,
Sankarankovil-627 756,
Tenkasi District.

5.V.Narayanasamy

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to forbear the 5th respondent from constructing a marriage hall and shops in the property belongs to the petitioner's trust property comprising Neermalai Kenaru with Nandavanam using for final rituals and ceremonies in Survey No.155/3, 4 in A Block in T.S.No.62 measuring 34 cents in Railway Feeder Road, Sankarankovil in Tenkasi District without obtaining proper permission from the authority concerned.

For Petitioner : Mr.K.Vijayanand
For R1 to R3 : Mr.M.Lingadurai,
Special Government Pleader
For R4 : Mr.P.Mahendran
For R5 : No Appearance

ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents 2 to 4 to forbear the 5th respondent from constructing a marriage hall and shops in the property belongs to the petitioner's trust property comprising Neermalai Kenaru with Nandavanam using for final rituals and ceremonies in Survey Nos.155/3, 4 in A Block in T.S.No.62 measuring 34 cents in Railway Feeder Road, Sankarankovil in Tenkasi District without obtaining proper permission from the authority concerned.



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2.The learned counsel appearing for the 4th respondent Sankarankovil Municipality, on instructions, has made a submission that so far no construction has been put up in the subject property and it remains as a vacant land. In support of his contentions, he submitted the copy of the photographs along with the reports. However, the learned counsel appearing for the petitioner disputes the same by stating that there is a construction. If so, the 4th respondent is directed to verify the same and confirm that the statement made before this Court is correct and in the event of any such unauthorized construction, actions are to be initiated to demolish the same.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 has made a submission that no application seeking building plan permission has been submitted before the competent authority, but counter indicates that there is a construction.

4.In view of the contradictory statements between the parties, the 1st respondent is directed to verify the correctness of the statement made between the parties and if there is any unauthorized construction put up, then actions are to be initiated to demolish the same.



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5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

13.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

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Tenkasi District.
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South Bye-Pass Road,
Tirunelveli-627 005.
4. The Commissioner,
Sankarankovil Municipality,
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Tenkasi District.

4/5



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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