



W.P(MD)Nos.7535 & 9891 of 2016

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

W.P(MD)Nos.7535 & 9891 of 2016

and

W.M.P(MD)Nos.6315, 6316, 6317 & 7814 of 2016

1.W.P(MD)No.7535 of 2016:

A.Desika Sankar

... Petitioner

vs.

1.The Joint Director,
Town and Country Planning,
108, Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli - 2.

2.The Executive Officer,
Kottaram Town Panchayat,
Kanyakumari Distict.

3.The District Officer,
Fire and Rescue Operations Department,
Nagercoil, Kanyakumari District.



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4.P.Sudhahar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the first respondent vide Na.Ka.No.529/2015 Thil.li.ma.3 dated 06.05.2015 and consequential proceedings of the second respondent vide No.A2/757/2014 dated 15.05.2015 and quash the same as illegal and consequently directing the respondents 1 & 2 forthwith to cancel the plan approval granted on 15.05.2015 for the construction put up by the fourth respondent herein at Sy.No.61/7 A1 at Kottaram Village, Kottaram Town Panchayat, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.J.Pandi Dorai

For Respondents : Mr.G.Mohan Kumar (R1 & R3)
Additional Government Pleader

: No appearance (R2)

: Mr.G.Anto Prince (R4)

2.W.P(MD)No.9891 of 2016:

P.Sudhakar

... Petitioner



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vs.

1.The District Collector,
Kanyakumari District, Kanyakumari.

2.The Deputy Director of Town and Country Planning,
Tirunelveli Region,
Tirunelveli – 2.

3.The Executive Officer (In-Charge),
Kottaram Town Panchayat,
Kottaram, Agasteeswaram Taluk,
Kanyakumari District.

4.Desigasankar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.119/2016/A2 dated 18.05.2016 and the consequential impugned order in Na.Ka.No.119/2016/A1 dated 24.05.2016 on the file of the respondent No.3 and quash the same as illegal.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.G.Mohan Kumar (R1 & R2)
Additional Government Pleader

: Mr.M.Rajarajan (R3)

: Mr.J.Pandi Dorai (R4)



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COMMON ORDER

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

W.P.(MD) No.7535 of 2016 has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the first respondent dated 06.05.2015 and the consequential proceedings of the second respondent dated 15.05.2015, quashing the same as illegal and consequently directing respondents 1 and 2 to cancel the planning permission granted on 15.05.2015 for the construction put up by the fourth respondent herein in S.No.61/7A1 at Kottaram Village, Kottaram Town Panchayat, Agasteeswaram Taluk, Kanyakumari District.

2.W.P.(MD) No.9891 of 2016 has been filed seeking issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order dated 18.05.2016 and the consequential order dated 24.05.2016 passed by the third respondent and quashing the same as illegal.



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3.The learned counsel appearing for the petitioner in W.P(MD)No.7535 of 2016 would submit that, challenging the order dated 06.05.2015 passed by the first respondent, whereby planning permission was granted for the construction of a hospital in favour of the fourth respondent to an extent of 24.29 hectares (2429.11 sq.m.) in S.No.61/7A1, the present writ petition has been filed. Pending the said writ petition, the second respondent cancelled the planning permission by the impugned order dated 18.05.2016. Challenging the said order, the fourth respondent herein filed W.P.(MD) No.9891 of 2016 before this Court.

4.However, the learned counsel appearing for the petitioner in W.P.(MD) No.9891 of 2016 would submit that one C.Godwin Yesudoss, Secretary, Agastheeswaram Area Crops Protection Association and Irrigation, Kottaram, Kanyakumari District, had already filed W.P.(MD) No. 25095 of 2016 before this Court, challenging the very same impugned order dated 06.05.2015. This Court, by order dated 09.02.2017, dismissed the said writ petition. Therefore, the present writ petition in W.P.(MD) No.7535 of



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2016, challenging the very same order dated 06.05.2015, is not maintainable. Accordingly, he prayed for dismissal of W.P.(MD) No.7535 of 2016.

5.Heard the learned counsel appearing for the respective parties and perused the materials available on record.

6.Admittedly, the order dated 06.05.2015, granting planning permission in favour of the fourth respondent, has already been challenged before this Court in W.P.(MD) No.25095 of 2016 by C. Godwin Yesudoss, Secretary, Agastheeswaram Area Crops Protection Association and Irrigation, Kottaram, Kanyakumari District. The said writ petition was dismissed by this Court by order dated 09.02.2017. Therefore, the challenge made in the present writ petition in W.P.(MD) No.7535 of 2016 to the very same order cannot be entertained.



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7. In view of the above, W.P.(MD) No.7535 of 2016 is dismissed.

Consequently, the basis on which the impugned orders dated 18.05.2016 and 24.05.2016 came to be passed in W.P.(MD) No.9891 of 2016 no longer survives.

8. Accordingly, the impugned orders dated 18.05.2016 and 24.05.2016 are set aside and W.P.(MD) No.9891 of 2016 is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
11.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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Tirunelveli - 2.

2.The Executive Officer,
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3.The District Officer,
Fire and Rescue Operations Department,
Nagercoil, Kanyakumari District.

4.The District Collector,
Kanyakumari District, Kanyakumari.

5.The Deputy Director of Town and Country Planning,
Tirunelveli Region,
Tirunelveli – 2.

6.The Executive Officer (In-Charge),
Kottaram Town Panchayat,
Kottaram, Agasteeswaram Taluk,
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M.DHANDAPANI, J.
and
N.DILIP KUMAR, J.

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