



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P (MD) No.9085 of 2016

and

W.M.P (MD) Nos.7225 and 7226 of 2016

M.M.Meera Sahib

... Petitioner

Vs

1) The District Collector,  
Tuticorin District,  
Korampallam,  
Tuticorin-628 101.

2) The Commissioner,  
Kayalpattinam Municipality,  
Kayalpattinam-628 204,  
Tuticorin District.

3) Khader Sahib Maraikayar,  
Mohammed Salih,  
No.186/97, Appa Palli Street,  
Kayalpattinam-628 204.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to take appropriate proceedings as against the third respondent for the violation of the Building permission dated 02.03.2016 granted by him to the third respondent and thereby to prevent the third respondent from putting up any constructions in violation of the Tamil Nadu District Municipalities Buildings Rules and more particularly under Rule 6(4) of the Rules pertaining to the land situated in Survey No.468/1A to an extent of 2 acres and 50 cents, situated in Kayalpattinam Southern Part Village, Tiruchendur Taluk, in Tuticorin District, within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Subbiah

For R1 &amp; R2 : Mr.M.Rajarajan

Government Advocate

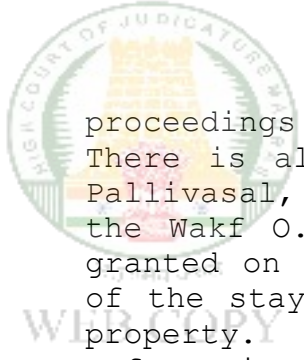
For R3 : M/s.Ajmal Associates

**ORDER**

In this writ petition, the petitioner seeks for a direction to the 2<sup>nd</sup> respondent to take appropriate action against the 3<sup>rd</sup> respondent for violating the planning permission granted and putting up construction.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Admittedly, there is a civil litigation between the parties and



proceedings are pending before the Wakf Tribunal (Sub Court, Tuticorin). There is also a Civil Revision Petition filed by the President of the Pallivasal, under Article 227 of the Constitution of India, to strike off the Wakf O.P.No.26/16. In the said proceedings, interim stay has been granted on 27.04.2016. The petitioner would state that taking advantage of the stay order, the 3<sup>rd</sup> respondent is attempting to demolish the wakf property. Further, relying on information furnished under the Right to Information Act, by the Information Officer, Kayalpattinam Municipality, dated 22.03.2016, it is stated that as of 02.03.2016, no building plan approval has been granted. The learned counsel appearing for the 3<sup>rd</sup> respondent submitted that they have a planning permission duly approved by the Municipality and would further submit on instructions, that if any construction is being made, it will be strictly in accordance with the building plan permission.

3. In the light of the above, the writ petition is disposed of with an observation that if the 3<sup>rd</sup> respondent does not have a building plan approval, as well as all statutory permissions as may be required under law, unless and until he obtains the same, construction cannot be effected and if there is already a building plan approval and other statutory permissions, then construction undertaken is to be done, strictly in accordance with the planning permission. No costs. Consequently, W.M.P (MD) Nos. 7225 and 7226 of 2016 are closed.

Sd/-  
Assistant Registrar/  
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1) The District Collector,  
Tuticorin District,  
Korampallam,  
Tuticorin-628 101.

2) The Commissioner,  
Kayalpattinam Municipality,  
Kayalpattinam-628 204,  
Tuticorin District.

+ 1 CC TO MR.S.SUBBIAH, ADVOCATE IN SR NO. 25892  
+ 1 CC TO MR.M.RAJARAJAN, ADVOCATE IN SR No. 26080  
+ 1 CC TO M/S.AJMAL ASSOCIATES, ADVOCATE IN SR No. 26077

NBI/GCG

TE/GSV-MP/SAR-III : 09/05/2016 : 2P/6C

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