



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.6797 of 2013

and

M.P.(MD)No.1 of 2013

Vattakanal Organization for Youth
Community and Environment Trust (VOYCE),
Represented by its Managing Trustee
Mr.M.Michael

:Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Forest Officer,
Kodaikanal,
Dindigul District.

3.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

4.The Commissioner,
Kodaikanal Municipality,
Kodaikanal-624 101.

5.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

6.Mr.P.Nizar Ahmed

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to demolish the illegal construction being put up by the respondent No.6 in the land at ward B, Block 18, T.S.Nos.8/1, 8/2, 8/3 and 8/4 in Vattakanal, Kodaikanal and to forbear the respondents from constructing/permitting illegal construction in the land at ward B, Block 18. T.S.Nos.8/1,8/2, 8/3 and 8/4, Vattakanal, Kodaikanal.



For Respondents 1 to 3 & 5 : Mr.M.Govindan,
Special Government Pleader
For Respondent No.4 : Mr.K.Dinesh Babu
For Respondent No.6 : Mr.N.Sathish Babu

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Public Interest Litigation, seeking a direction to the respondents to demolish the alleged illegal construction put up by the sixth respondent in the land comprised in T.S.Nos.8/1, 8/2, 8/3 and 8/4 at Vattakanal, Kodaikanal and to forbear him from making any further construction.

2. We have heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and 5, the learned counsel for the fourth respondent and the learned counsel for the sixth respondent. We have also perused the records carefully.

3. The learned Special Government Pleader would submit that there was no permission obtained from the Committee concerned for making construction.

4. The learned counsel appearing for the fourth respondent would submit that the Municipality had not given any permission for construction of the building.

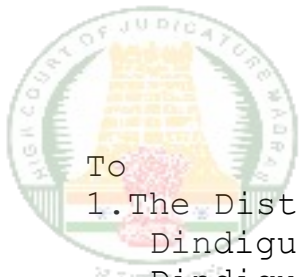
5. The learned counsel appearing for the sixth respondent would submit that no permission was obtained.

6. Thus, it remains to be an admitted fact that for making construction on the said land, no permission has been issued by the competent authority. If that is so, it is for the authority concerned to take further action, that too, after affording sufficient opportunity to the sixth respondent. Accordingly, the first and fourth respondents are directed to take appropriate action by following the procedures established by law, that too, after affording sufficient opportunity to the sixth respondent.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Forest Officer,
Kodaikanal,
Dindigul District.

3.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

4.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1cc to M/s.T.Lajapathi Roy, Advocate in SR.56607

+1cc to M/s.T.S.Mohamed Mohideen, Advocate in SR.55982

+1cc to M/s.N.Sathish Babu, Advocate in SR.55997

+1cc to the Special Government Pleader, in SR.56998

W.P.[MD].No.6797 of 2013

Dated: 27.09.2016

sml

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