



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASANW.P(MD) No.5392 of 2014

Dr.S.R.Chandra

... Petitioner

-vs-

1.The District Collector,
Kanyakumari District
at Nagercoil.

2.The Commissioner,
Padmanabhapuram Municipality,
Thuckalay Post,
Thuckalay - 629 175.

3.Sasikala

4.The Managing Director,
TASMAC Ltd.,
4th floor, CMDA Tower - II,
Chennai - 600 008.

5.The District Manager,
TASMAC Ltd.,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to demolish the unauthorized construction put up by the 3rd respondent adjacent to the petitioner's house bearing D.No. 11-89 B, Anna Poorani Bhavan, near Gandhi maithan, Eraniel Road, Thucakalay - 175, Kanyakumari District.

For Petitioner : Mr.T.Antony Arul Raj

For R - 1 : Mr.D.Muruganandham
Additional Government Pleader

For R - 2 : Mr.K.P.Krishnadoss

For R - 3 : Mr.J.Jeyakumaran

For RR - 4 & 5 : Mr.M.Muniasamy

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the second respondent to demolish the unauthorized construction alleged to have been put up by the third respondent adjacent to the house of the petitioner bearing Door No.11-89 B, Anna Poorani Bhavan near Gandhi maithan, Eraniel Road, Thucakalay.

2.It is averred in the petition that the third respondent without getting proper approval/permission from the second respondent has put up some construction. Under the said circumstances, the petitioner has sent a representation to the concerned authority. But action has not been taken and therefore, the present Writ Petition has been filed.

3.Considering the nature of relief sought in the writ petition, this Court is of the view to give the following direction to the second respondent.

4.In fine, this Writ Petition is allowed without without cost. The second respondent viz., Commissioner, Padmanabhapuram Municipality is directed to look into the representation alleged to have been given by the petitioner and if there is any unauthorized construction put up by the third respondent, after giving necessary opportunity to the third respondent, remove the same within a period of two months. Consequently, MP(MD)No.1 of 2014 is closed.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,Kanyakumari District at Nagercoil.

2.The Commissioner, Padmanabhapuram Municipality,
Thuckalay Post, Thuckalay - 629 175.

3.The Managing Director,TASMAC Ltd.,4th floor, CMDA Tower - II,
Chennai - 600 008.

5.The District Manager, TASMAC Ltd., Kanyakumari District.

+1CC to M/S.T.Antony Arul Raj, Advocate, SR.No. 198

+1CC to the Special Government Pleader, SR.No. 229

W.P(MD) No.5392 of 2014

02.01.2017