



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2441 of 2017

J.Justin

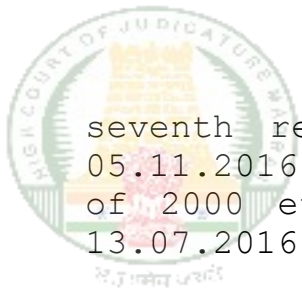
.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Local Planning Council,
Tamil Nadu Regional Town Planning,
Office of District Collectorate,
Nagercoil,
Kanyakumari District.
3. The Director,
Town Panchayats,
Kanyakumari District,
Nagercoil.
4. The Deputy Director,
Town Planning Department,
Tirunelveli Region,
Tirunelveli.
5. The Assistant Director,
Town Panchayat,
Kanyakumari District,
Nagercoil.
6. The Executive Officer,
Aloor Town Panchayat,
Kanyakumari District.
7. M.Vincent,
The Chairman,
Win's Christian Engineering College,
Vilukuri Village,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 6 to remove the unauthorized constructions in survey number 825/1A and 825/4 in Vilukuri Village, Kanyakumari District, by the



seventh respondent herein pursuant to the representation dated 05.11.2016 in the light of the judgments passed in W.P.Nos.18898 of 2000 etc., dated 23.08.2006 and W.P.No.21874 of 2008, dated 13.07.2016 on the file of this Court.

WEB COPY

For petitioner

: Mr.S.Sureshkumar

For respondents

: Mr.M.Govindan

Special Government Pleader
for R.1 to R.6

: Mr.T.Cibi Chakraborty
for R.7

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition to direct the local Planning Authority, Nagercoil to take action against the seventh respondent, on account of the illegal construction made in the property in S.No.825/1A and 825/4 at Vilukuri Village, Kanyakumari District.

2. The seventh respondent filed a counter affidavit, wherein it was indicated that the building was constructed only after obtaining plan and permit from the Local Body.

3. The question as to whether the seventh respondent put up the construction either without planning permit or in violation of the planning permit is essentially an issue to be decided by the fourth respondent. Therefore, without expressing any opinion on the merits of the matter, we direct the fourth respondent to issue notice to the seventh respondent and decide as to whether the building was constructed either without planning permit or in violation of the planning permit, by considering the representation of the petitioner dated 05.11.2016. It is needless to point out that the petitioner should be given an opportunity of hearing to submit his objection. Similarly, reasonable opportunity should be given to the seventh respondent, before passing any orders by the fourth respondent. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

1. The District Collector,
Kanyakumari District,
Nagercoil.
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Tirunelveli.
5. The Assistant Director,
Town Panchayat,
Kanyakumari District,
Nagercoil.
6. The Executive Officer,
Aloor Town Panchayat,
Kanyakumari District.

+1cc to Mr.T.Cibi Chakraborty, Advocate SR.No.66852

+1cc to Mr.S.Krishnamoorthy, Advocate Sr.No.66675

+1cc to The Spl.Government Pleader Sr.No.67012

SSL/SM

VB/KK/SAR1/01/08/2017/3P/10C

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