

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.12667 of 2006

1. Mrs.Hawwa Ravoof (Died)
2. Abdul Ravoof,
S/o.Abdul Azeez,
No.47, Friends Nagar extension,
Kondur Panchayat, Cuddalore Taluk. ... Petitioner

(Second Petitioner substituted for the
deceased petitioner vide order dated 21.07.2011)

Vs.

- 1.The Inspector of Panchayats (District Collector),
Cuddalore District, Cuddalore.
 - 2.The President,
Kondur Panchayat,
Cuddalore - 607 001.
 - 3.Friends Nagar Welfare Association,
Rep. by its President,
Friends Nagar,
Cuddalore - 607 001.
 - 4.Friends Nagar Welfare Association,
Rep. by its Secretary,
Friends Nagar,
Cuddalore - 607 001. .. Respondents
- (R-3 and R-4 impleaded vide order of
this Court dated 14.12.2006)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to forbear from permitting any construction from being put up without lawful sanction opposite to plot Nos.5 and 6 in S.Nos.15/1 and 16/1 alongside the panchayat road corresponding to new S.No.60/5 of Friends Nagar Extension II, Cuddalore Taluk.

For Petitioner : Mr.R.Sunil Kumar
 For Respondents : Mr.N.Inbanathan,
 Additional Government Pleader for R-1
 Mr.S.V.Durai Solai Malai for R2
 Mr.S.K.Raghunathan for R3 and R4

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus, forbearing the respondents from permitting any construction being put up without lawful sanction opposite to Plot Nos.5 and 6 in S.Nos.15/1 and 16/1 alongside the panchayat road corresponding to new S.No.60/5 of Friends Nagar Extension II, Cuddalore Taluk.

2. Heard Mr.R.Sunil Kumar, learned counsel for the petitioner;
 Mr.N.Inbanathan, learned Additional Government Pleader for the first respondent; Mr.S.V.Durai Solai Malai, learned counsel for the second respondent and Mr.S.K.Raghunathan, learned counsel for the respondents 3

and 4 and perused the records.

3. It is contended by the learned counsel for the petitioner that after dismissal of the suit filed by one of the members of the Welfare Association in O.S.No.102 of 2006, the second respondent is attempting to construct a Temple.

4. The learned Additional Government Pleader submitted that the Temple was already constructed in the poramboke land and the prayer sought for in the Writ Petition has become infructuous.

5. In reply, the learned counsel for the petitioner submitted that originally, the second respondent has constructed a small Temple and after dismissal of the suit, he has expanded the construction and at least, in future, they should not make any further construction.

6. In the light of the above fact, the Writ Petition is closed, giving liberty to the petitioner to give fresh representation, in the event of any expansion of the Temple. No costs.

15/02/2018

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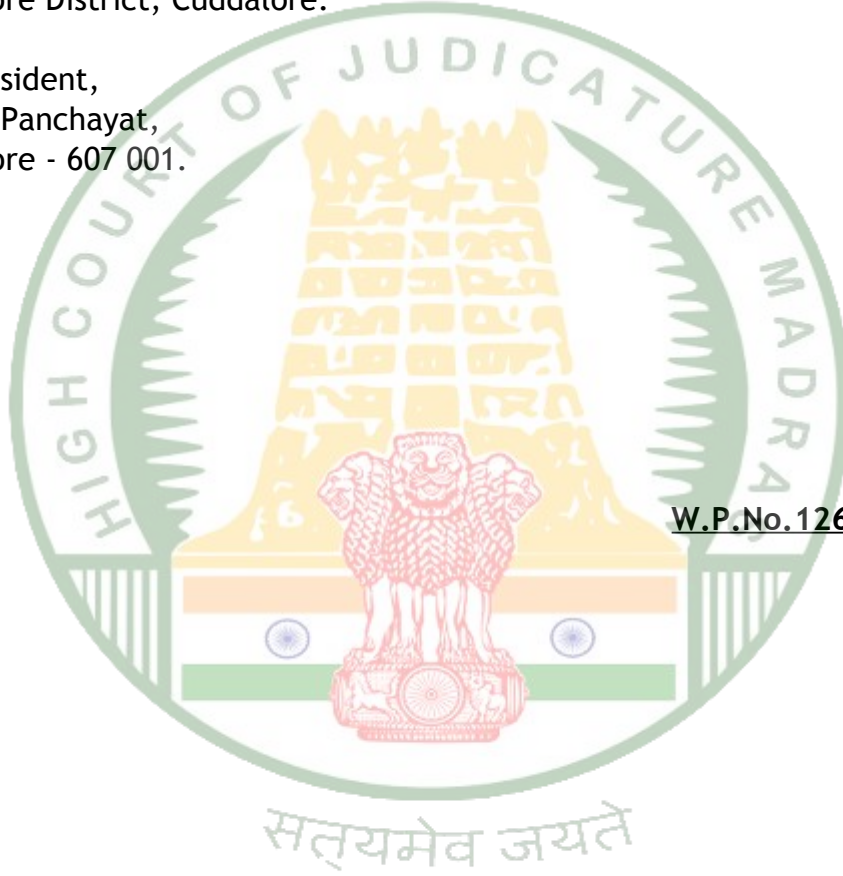
K.KALYANASUNDARAM, J.

r n s

To

1.The Inspector of Panchayats (District Collector),
Cuddalore District, Cuddalore.

2.The President,
Kondur Panchayat,
Cuddalore - 607 001.



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