



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.02.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.1829 of 2018

Davidraj

... Petitioner

 $V_S.$

1.The Deputy Director,
Town & Country Planning,
Tirunelveli Region, 108,
Trivandrum Road, Tirunelveli,
PIN:627 002.

2.The Executive Officer,
Ezhudesam Town Panchayat,
Kanjampuram, Kanjampuram Post,
Kanyakumari District,
PIN:629 154.

3.Mr.Jayaseelan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to take action against the illegal constructions of the Third respondent made in Survey No.131/1A & 131/2A of Ezhudesam Village of Vilavancode Taluk, Kanyakumari District in compliance of the first respondent's Communication Na.Ka.No.3348/2017 Thi.Li.Ma.3 dated 22/12/2017.

For Petitioner : Mr.C.R.Nimal

For R1 & R2 : Mr.D.Muruganantham
Addl.Govt.Pleader

For R3 : Mr.R.Saravanan

ORDER

[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.C.R.Nimal, learned counsel appearing for the
 https://hcr.india.gov.in/services/ Mr.D.Muruganantham, learned Additional Government
 Pleader appearing for the first and the second respondents and
 Mr.R.Saravanan, learned counsel appearing for the third respondent.



2.By consent, the writ petition itself is taken up for final disposal, at the stage of admission.

3.The petitioner seeks for a direction upon the second respondent to take action against the third respondent alleging that he has put up illegal construction. A complaint given by the petitioner dated 24.10.2017, which was received by the first respondent on 26.10.2017 has been forwarded to the second respondent for taking necessary action by the first respondent vide proceedings dated 05.01.2018. However, without giving any reasonable time for the second respondent to take action immediately, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner would submit that this is a second round of litigation and the petitioner is the vendor. Further contention is that the construction was put up 20 years back and for renovation of certain area, application is pending before the second respondent. In any event, this Court is not inclined to issue any positive direction to the second respondent. However, it is open to the second respondent to proceed in accordance with law.

With the above observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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+1cc to M/S.C.R.NIMAL, Advocate SR.No.48040.

+1cc to M/S.B.SARAVANAN, Advocate SR.No.47798.

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