



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) No. 8634 of 2019
and
W.M.P. (MD) No. 6730 of 2019

S.Natarajan

.. Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Sub-Collector,
Cheranmahadevi Sub-Division,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
- 4.The Village Administrative Officer,
Aladiyoor Part - II,
Ambasamudram Taluk,
Tirunelveli District.
- 5.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
- 6.Pon Subramanian, S/o.R.Sundara Karaiyalar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the fifth respondent not to grant permission to the sixth respondent for his erection work towards installing a mega size Tower in the agricultural properties through his contracted person at Aladiyoor Part II, Manimutharu Town Panchayat, Tirunelveli District.

For Petitioner :Mr.R.Anand

For R1 to R5 :Mrs.S.Bharathi
Government Advocate
(Criminal side)

O R D E R

The petitioner has filed the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the fifth respondent not to grant permission to the sixth respondent for his erection work towards installing a mega size Tower in the agricultural properties through his contracted person at Aladiyoor Part II, Manimutharu Town Panchayat, Tirunelveli District.

2.The learned counsel appearing for the petitioner submitted that after retiring from the Transport Department, the petitioner has been looking after his agricultural operation in Vickaramasingapuram Village. The petitioner's residence is situated near to the agricultural properties of the sixth respondent. Further, the sixth respondent, after stopping his agricultural work, wanted to convert his agricultural properties into house plots. However, in view of the objection raised by the other adjacent owners, his plan of conversion of his properties has been stopped. Subsequently, the sixth respondent granted lease in favour of third party for erection of Mega Tower, against which, the petitioner has made a representation to the Tahsildar on 28.01.2019 as well as the fifth respondent on 04.02.2019. During the course of enquiry, the sixth respondent has been summoned and warned that he should not proceed further with regard to the erection of tower. Thereafter, taking advantage of the non-availability of the police strength on account of the forthcoming Parliamentary Election, the sixth respondent has started his digging work. Hence, the petitioner has approached this Court for the relief stated supra.

3.The learned Government Advocate (Criminal side) submitted that the Tower was attempted to be erected without prior permission from the authorities concerned and the sixth respondent was not permitted to erect tower in the said place without prior permission.

4.Recording the above said submission made by the learned Government Advocate (Criminal side), this Writ Petition is dismissed as nothing survives for further adjudication. No costs. Consequently, connected Miscellaneous Petition is closed. However, it is open to the petitioner to approach the Law Enforcing Agency, as and when the apprehension arise.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



- 1.The District Collector,
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Tirunelveli District.
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Ambasamudram Taluk,
Tirunelveli District.
- 4.The Village Administrative Officer,
Aladiyoor Part - II,
Ambasamudram Taluk,
Tirunelveli District.
- 5.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No. 8634 of 2019

15.04.2019

DS/ /SAR- (27.04.2019) 3P 7C