



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: **06.09.2019**

**CORAM:**

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE Mrs.JUSTICE R.THARANI**

**W.P. (MD) .No.19409 of 2019**

**and**

**W.M.P (MD) No.15858 of 2019**

M.Selvaraj  
Son of Manickam

represented through his Power of Attorney  
R.Kumar,  
Son of Ramasamy.

... Petitioner

vs.

1.The District Collector,  
Kanyakumari District,  
at Nagercoil.

2.The Deputy Director,  
Town and Country Planning,  
Tirunelveli Region,  
Tirunelveli,  
Tirunelveli.

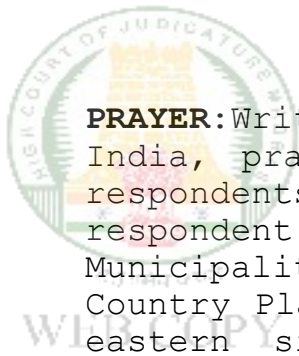
3.The Executive Officer,  
Anjugramam First Grade Town Panchayat,  
Anjugramam,  
Kanyakumari District.

4.The Tahsildar,  
Agastheeswaram Taluk,  
Nagercoil,  
Kanyakumari District.

5.The Member/Secretary,  
Local Planning Authority,  
Nagercoil,  
Kanyakumari District.

6.R.Gnanasigamani

... Respondent



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to take appropriate action against the sixth respondent under Section 216 of the Tamil Nadu District Municipalities Act, 1920 read with Section 56 of the Town and Country Planning Act for his unauthorized construction made on the eastern side in S.No.803/5, Anjugramam Village, Agastheeswaram Taluk, Kanyakumari District without site approval and planning permission from the competent authority and ensure that the sixth respondent shall not construct any building in violation of Building Rules, in the light of proceedings of the third respondent, dated 25.7.2019 in Na.Ka.No.189/209/A1 within the time frame fixed by this Court.

|                  |                            |
|------------------|----------------------------|
| For Petitioner   | : Mr.S.Balamurugan         |
| For Respondents  | : Mr.A.K.Baskarapandian    |
| 1,2,4 and 5      | Special Government Pleader |
| For Respondent-3 | : Mr.G.Bhagavathy          |
|                  | Government Advocate        |

**O R D E R**

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

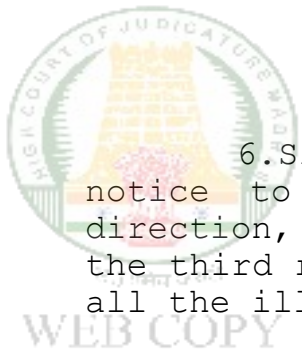
Heard Mr.S.Balamurugan, learned counsel appearing for the Petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader who accepts notice for the respondents 1,2,4 and 5 and Mr.G.Bhagavathy, learned Government Advocate who accepts notice on behalf of the third respondent.

2.By consent of either side, this writ petition is taken up for disposal.

3.The Petitioner seeks for a direction to the respondents 1 to 5 to take action against the sixth respondent on the ground that he is constructing building in his property without obtaining any planning permission.

4.In fact, the Petitioner along with the sixth respondent sought for permission to put up construction. However, the third respondent by proceedings, dated 25.7.2019, directed that no construction should be done by both the Petitioner and sixth respondent, without obtaining prior planning approval from the appropriate authority.

5.The learned counsel for the Petitioner submitted that the Petitioner has obeyed the order of the third respondent and has not put up any construction. However, the sixth respondent has violated the said order and has commenced the construction and that has been brought to the notice of the 5<sup>th</sup> respondent by representation, dated 24.8.2019.



6.Since, We are disposing of the writ Petition without notice to the sixth respondent, We cannot issue any positive direction, however, that does not mean that the Executive Officer of the third respondent Town Panchayat should be a silent spectator to all the illegal activities in his Town Panchayat.

7.Therefore, We direct the third respondent/Executive Officer to consider the Petitioner's representation, dated 24.8.2019, a surprise inspection to be conducted and if there is any violation of the Rules, immediate action should be taken by the third respondent. The said exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

8.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS )

To

- 1.The District Collector,  
Kanyakumari District,  
at Nagercoil.
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Tirunelveli,  
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- 5.The Member/Secretary,  
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Nagercoil,  
Kanyakumari District.



**W.P.(MD).No.19409 of 2019**

+1 CC to SPL.GP ( SR-85918[F] dated 09/09/2019 )

+1 CC to MR.S.BALAMURUGAN, Advocate ( SR-86082[F] dated 10/09/2019 )

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**ORDER MADE IN**  
**W.P. (MD) .No.19409 of 2019**  
**and**  
**W.M.P (MD) No.15858 of 2019**  
**06.09.2019**

**VSN**

MK (24.09.2019) 4P 8C