



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.25126 OF 2018
and
W.M.P (MD) No.22759 of 2018

M.Jahir Hussain

:Petitioner

.vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

3.The Block Development Officer,
Senkottai Panchayat Union,
Senkottai,
Tirunelveli District.

4.The Executive Officer,
Town Panchayat Office,
Panpozhi,
Panpozhi-627 807,
Senkottai Taluk,
Tirunelveli District.

5.The President,
Sheik Mohammed Pallivasal,
Sivaramapettai Road,
Panpozhi -627 807,
Senkottai Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to stop the illegal construction of the fifth respondent in S.No.715/3, Panpozhi Village, Senkottai Taluk, Tirunelveli District in view of the fourth respondent's order in



Na.Ka.No.187/2018, dated 19.09.2018 by considering the Petitioner's representation dated 1.10.2018.

For Petitioner

:Mr.M.Mohamed Sherbudeen

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For Respondents
1 to 4

:Mr.N.Shanmugaselvam
Addl.Govt.Pleader

For Respondent-5

:Mr.M.Mahaboob Athiff

O R D E R

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY.,J.**]

This Writ Petition is filed for a mandamus directing the respondents 1 to 4 to stop the illegal construction of the fifth respondent in S.No.715/3, Panpozhi Village, Senkottai Taluk, Tirunelveli District, in view of the fourth respondent's order in Na.Ka.No.187/2018, dated 19.09.2018 by considering the Petitioner's representation, dated 1.10.2018.

2.Heard the learned counsel for the Petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent and perused the materials placed before this Court.

3.The Petitioner submits that the fifth respondent has put up illegal construction in the subject-matter property without obtaining necessary approval from the fourth respondent. It is further pointed out that the said fourth respondent by communication, dated 19.09.2018, has already called upon the fifth respondent to stop the construction, in view of the receipt of several complaints with regard to the construction. The learned counsel for the Petitioner further submits that without any authorization, the said construction should not be permitted to be proceeded with.

4.The learned counsel for the fifth respondent submitted that he has applied for permission and that the said application and supporting documents may be considered by the fourth respondent before deciding the issue.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 also submits that the fourth respondent may be directed to consider the representation of the Petitioner before passing orders.

6.Accordingly, without expressing any opinion on the merits of the dispute, we are inclined to dispose of this Writ Petition with the following directions:



(1)the Petitioner shall submit a copy of the representation dated 1.10.2018 to the fourth respondent within a period of two weeks from the date of receipt of a copy of the order;

(2)on receipt of such representation, the fourth respondent is directed to consider the representation of the Petitioner, dated 1.10.2018 and pass a speaking order thereon, on merits and in accordance with law, after affording reasonable opportunity to both the Petitioner and the fifth respondent, within a period of four weeks thereafter;

(3)until an order is passed by the fourth respondent, the fifth respondent is directed not to proceed with the construction in the subject-matter property and is also directed to maintain status-quo as on today.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
- 2.The Revenue Divisional Officer,
Tenkasi,Tirunelveli District.
- 3.The Block Development Officer,
Senkottai Panchayat Union,
Senkottai,Tirunelveli District.
- 4.The Executive Officer,
Town Panchayat Office,
Panpozhi,Panpozhi-627 807,
Senkottai Taluk, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-82586[F] dated 20/08/2019)

+1 CC to M/s.M. MOHAMED SHERBUDEEN, Advocate (SR-82706[F] dated 21/08/2019)

ORDER MADE IN
W.P(MD)NO.25126 OF 2018 and
W.M.P(MD)No.22759 of 2018
19.08.2019

vsn

MS/03.09.2019/3P.7C

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