



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.16904 of 2020

and

W.M.P. (MD) No.14124 of 2020

L.Auspin Jeba Raj

: Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George, Chennai - 600 009.

2.The Director of Town and Country Planning,
Head Office No.807,
Annasalai, Chennai - 600 002.

3.The Assistant Director of Town Panchayat,
Nagercoil Zone,
Collector Office Campus,
Kanyakumari District @ Nagercoil - 629 001.

4.The Assistant Director of Town and Country Planning,
Tirunelveli Region,
No.108, Trivandrum Road,
Palayamkottai - 627 002, Tirunelveli District.

5.The Executive Officer,
Valvachagostam Town Panchayat,
Kunnamparai, Kattathurai Post - 629 158,
Kanyakumari District.

6.Mohan Raja @ Rajan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to take necessary action for the unauthorized construction made in Survey No.134/5, Ward No.2, Kattu Vilai, Valvachagostam Panchayat, Valvachagostam A Village, Kalkulam Taluk, Kanyakumari District, in violation of law, by considering the representation of the petitioner, dated 29.06.2020, within a time frame that may be fixed by this Court.

For Petitioner	:	Mr.S.C.Herold Singh
For R1 to R4	:	Mrs.J.Padmavathi Devi
		Special Government Pleader



For R5

: Mr.M.Pandiarajan,
Additional Government Pleader

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

This Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to take necessary action for the unauthorized construction made in Survey No.134/5, Ward No.2, Kattu Vilai, Valvachagostam Panchayat, Valvachagostam A Village, Kalkulam Taluk, Kanyakumari District, in violation of law, by considering the representation of the petitioner, dated 29.06.2020, within a time frame.

2.The learned counsel for the petitioner would submit that the sixth respondent has constructed a building in Survey No.134/5, Ward No.2, Kattu Vilai, Valvachagostam Panchayat, Valvachagostam A Village, Kalkulam Taluk, Kanyakumari District without any approved plan. In this regard, the petitioner has made a representation dated 29.06.2020, to the respondents and since no action has been taken on the said representation, the petitioner has come forward to file this Writ Petition.

3.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the fifth respondent.

4.Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents 1 to 4 on instructions would submit that the sixth respondent has already got planning permission on 30.06.2020 and after getting planning permission only, the building was constructed.

5.Recording the submission of the learned Special Government Pleader appearing for the respondents 1 to 4, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs. It is made clear that this order will not prevent the petitioner from working out his remedy for violation of his easement rights, if any.

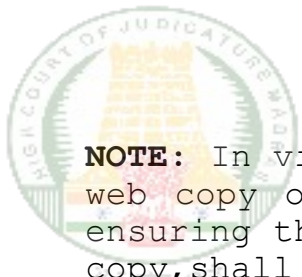
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The Director of Town and Country Planning,
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Annasalai, Chennai - 600 002.
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Kunnamparai,
Kattathurai Post - 629 158,
Kanyakumari District.

+1 CC to M/s.GP (SR-23381[F] dated 30/11/2020)

W.P. (MD) No.16904 of 2020
27.11.2020

SSS (CO)

AP (14/12/2020) 3P 7C