



WEB COPY

W.P.(MD) No.4194 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.4194 of 2021

C.Mary Selin

... Petitioner

-vs-

1.The District Collector
Kanyakumari District
Nagercoil

2.The Block Development Officer
Thuckalay Panchayat Union
Kozhiporvilai
Mulagumoodu Post
Kanyakumari District

3.The President
Thickanamcode Village Panchayat
Thickanamcode & Post
Kanyakumari District

4.M.Ramakrishnan

5.R.Vignesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to consider the representation of the petitioner, dated 12.12.2020 and take appropriate actions against the respondents 4 and 5 for prohibiting the Building Construction Works which are being illegally made and remove the constructions made in violation of the Rule 6 of the Tamil Nadu Panchayat Building Construction Rules.

For Petitioner : Mr.John Jayakumar.J.

For Respondents : Mr.R.Murugarajan
Government Advocate for R1
Mr.M.Karuppasamy
Government Advocate for R2 & R3
Mr.R.Russelraj for R4

O R D E R

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

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 3 to consider the representation of the petitioner, dated 12.12.2020 and to take

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appropriate action against the respondents 4 and 5 prohibiting the construction works which are being illegally made in violation of the Rule 6 of the Tamil Nadu Panchayat Building Construction Rules and remove the same.

2. We have heard the learned counsel on either side.

3. The learned counsel appearing for the fourth respondent submitted that the relevant papers have not been served on him and in any event, the respondents 4 and 5 have not violated any of the Building Rules.

4. Since the petitioner's representation dated 12.12.2020 is pending before the Authority concerned, it is appropriate for the third respondent to consider the same on merits and in accordance with law, after due notice to the petitioner as well as the respondents 4 and 5. We make it clear that we are not making any observation on the merits of the matter and left it open to the decision of the third respondent. This direction be complied with by the third respondent within a reasonable time.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

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.

krk

To:

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Block Development Officer,
Thuckalay Panchayat Union,
Kozhiporvilai,

<https://hcservices.ecourts.gov.in/hcservices/>



Mulagumoodu Post,
Kanyakumari District.

3.The President,
Thickanamcode Village Panchayat,
Thickanamcode & Post,
Kanyakumari District.

+1cc to M/s.Special Government Pleader, SR No 16263

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GS (17.05.2021) 3P 5C