



WEB COPY

WP[MD]No.8063 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.8063 of 2021

and

WMP.(MD)Nos.6162 & 6163 of 2021

Sundar Raj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.Assistant Director,
Town Panchayats,
Tirunelveli District,
Tirunelveli.

3.The Executive Officer
Panagudi Town Panchayat,
Panagudi, Rathapuram Taluk,
Tirunelveli District.

4.Ponnudurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to demolish the unauthorized construction made by 4th respondent without any approved building plan in the land to the extent of cents 3 bounded by (North) land of petitioner (East) bypass road (South) land of petitioner and (West) land of petitioner in Survey No.1391/2 AB and 1391/2A8A of Panagudi Village Part 1 Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation, dated 17.03.2021.

For Petitioner : Mr.S.R.Anbarasu

For Respondents 1 & 2 : Mr.K.P.Krishnadass,
Special Government Pleader

For 3rd Respondent : Mr.A.Muthukaruppan,
Additional Government Pleader

O R D E R



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

This Writ Petition has been filed seeking for a direction to the respondents to demolish the unauthorized construction made by 4th respondent without any approved building plan in the land to the extent of 3 cents in Survey No.1391/2 AB and 1391/2A8A of Panagudi Village Part 1 Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation, dated 17.03.2021.

2.Heard Mr.S.R.Anbarasu, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the third respondent.

3.The allegation is that the fourth respondent is illegally putting up construction in a property, which according to the petitioner, is the property owned by him. Further allegation is that no planning permission has been obtained by the fourth respondent.

4. We find that the representation has been given by the petitioner on 17.03.2021 and the same has been sent by speed post and less than within three weeks, the Writ Petition has been filed. So far as the title to the property is concerned, we cannot issue any positive direction in the writ petition, since we are disposing of the Writ Petition without notice to the fourth respondent. However, the Executive Officer of Panagudi Town Panchayat, should examine whether there is any unauthorised construction, because the allegation is that the fourth respondent without obtaining any valid permission has put up construction. Therefore, we direct, a surprise inspection to be conducted by the fourth respondent in the subject property and proceed in accordance with law.

5.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

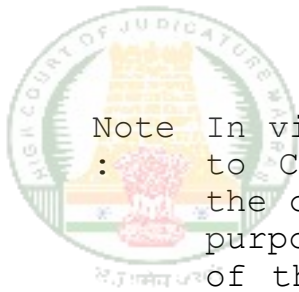
Assistant Registrar (CO)

/ True Copy /

/ / 2021

Sub Assistant Registrar (CS)

RM



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.

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.Assistant Director,
Town Panchayats,
Tirunelveli District,
Tirunelveli.
- 3.The Executive Officer
Panagudi Town Panchayat,
Panagudi, Rathapuram Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-16729[F] dated 20/04/2021)

W.P. [MD]No.8063 of 2021

19.04.2021

SSI (05.05.2021) 3P 5C