



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.8672 of 2021

and

WMP (MD) .No.6543 of 2021

Martin Patric.S

... Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintending Engineer,
Highways Department,
Nagercoil, Kanyakumari District.
3. The Executive Officer,
Pacode Town Panchayat,
Pacode Post - 629 168,
Vilavancode Taluk,
Kanyakumari District.

4. Mr.Santhosh Kumar

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 3 initiate an appropriate severe action against the 4th respondent under Section 216 and 317 of the Tamil Nadu District Municipalities Act, 1920 and to demolish the illegal constructions made by the fourth respondent which are made without obtaining planning permission in S.No.545/2A in Pacode Town Panchayat, Vilavancode Taluk, Kanyakumari District.

For Petitioner

: Mr.M.Saravana Kumar

For respondents

: Mr.K.P.Krishnadass,
Special Government Pleader
for R1 and R2
Mr.D.Muruganantham,
Additional Government Pleader,
for R3



ORDER

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

We have heard Mr.M.Saravana Kumar, learned Counsel appearing for the writ petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the third respondent.

2. The petitioner has come before this Court by filing this writ petition for issuance of a direction upon the respondents 1 to 3, to take action against the fourth petitioner on the ground that he is putting up construction without obtaining planning permission.

3. The learned Additional Government Pleader appearing for the third respondent has filed typed set of papers, from which, it is seen that an approval has been granted on 12.01.2021, to construct the building consisting of ground plus two floors, which is a commercial building. Each floors consisting of four shops.

4. In such circumstances, the allegation that the construction is unauthorised is incorrect. Therefore, the prayer sought for by the petitioner cannot be granted. But, if there is any violation of the building plan, it is always open to the petitioner to bring it to the notice of the authorities.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// 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.

To:

1. The District Collector,
Kanyakumari District,
Nagercoil.

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



2. The Superintending Engineer,
Highways Department,
Nagercoil, Kanyakumari District.

3. The Executive Officer,
Pacode Town Panchayat,
Pacode Post - 629 168,
Vilavancode Taluk,
Kanyakumari District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-18178[F] dated
30/04/2021)

+1 CC to M/s.SPL GP (SR-18279[F] dated 30/04/2021)

W.P. (MD) No.8672 of 2021
29.04.2021

AS (24.05.2021) 3P 6C