



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.11096 of 2021

and W.M.P. (MD) No.8710 of 2021

WEB COPY

V.Kutty Raja @ Sangiliveerapa
Bala Subramania Pandian

... Petitioner

Vs

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Collector,
Tirunelveli - District,
Tirunelveli.
- 3.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.
4. S.Shanmuganathan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct these respondents to keep the land of 2.80 acers in S.No.247/2, the old T.S.No. was 37 which is at present T.S.No.45 in Block No.18, Ward D, Rajapalayam Municipality limits in Rajapalayam Taluk in Virudhunagar District, to stop the unauthorized construction by this fourth respondent or anybodyelse and look after and monitor the nature of land, not to be altered or encroached by anybodyelse, as the 1st respondent is the Guardian of the same.

For Petitioner	: Mr.F.X.Eugene
For respondents	: Mr.A.K.Manickam
	Standing Counsel for Government
	for R1 and R2
	Mr.N.Dilipkumar
	Standing Counsel for R3
	Mr.N.Sathish Babu for R4

O R D E R

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

Heard Mr.F.X.Eugene, learned counsel appearing for the
petitioner, Mr.A.K.Manickam, learned Standing Counsel for
<https://hcservices.ecourts.gov.in/hcservices/>



Government, appearing for respondent Nos.1 and 2, Mr.N.Dilipkumar, learned Standing Counsel for the third respondent and Mr.N.Sathish Babu, learned counsel for the fourth respondent.

2.The petitioner seeks for a direction upon the respondents to keep the land of 2.80 acres in S.No.247/2 (Old T.S.No.37), T.S.No.45, in Block No.18, Ward D, Rajapalayam Municipality limits in Rajapalayam Taluk in Virudhunagar District and to stop the unauthorized construction by the fourth respondent or anybody else and to look after and monitor the nature of land, not to be altered or encroached by anybody else, as the 1st respondent is the Guardian of the same.

3.The Writ Petition has been filed for the removal of the unauthorized construction. Regarding the issue, already two Writ Petitions have been filed. Firstly on an identical issue, W.P.(MD) No.15753 of 2019 was filed and the same was closed on 22.03.2021 by the Division Bench, to which, one of us (SAIJ) was a party. Apart from that, for an identical relief W.P. (MD) No.2860 of 2018 was filed, in which, initially there was an interim order and subsequently the matter was withdrawn by the petitioner.

4.Learned Standing Counsel for the Rajapalayam Municipality submits that the Local Planning Authority has granted planning approval on 18.03.2020 and consequential, orders have been passed by the Municipality on 24.06.2020. Thus, the repeated attempts of the petitioner by approaching this Court cannot be appreciated. It is a fit case, where exemplary cost can be imposed, but however, taking note of the fact that the petitioner is a senior citizen, we refrain from doing so.

5.In view of the above, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

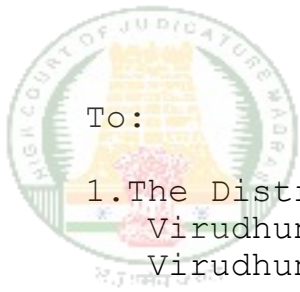
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/ /2021

Sub Assistant Registrar(CS)

sj

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,
Virudhunagar District,
Virudhunagar.

2.The District Collector,
Tirunelveli - District,
Tirunelveli.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-21360[F] dated
06/07/2021)

+1 CC to M/s.F.X.EUGENE, Advocate (SR-21448[F] dated 07/07/2021)

W.P. (MD) No.11096 of 2021
06.07.2021

CM(CO)

LR (15.07.2021) 3P 5C