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W.P(MD) No.13421 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P(MD) No.13421 of 2021

and W.M.P(MD)No.14373 of 2021

Ajitha

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Assistant Director of Village Panchayat
Campus of District Collector Office,
Nagercoil,
Kanyakumari District.
- 3.The Block Development Officer,
Munchirai Panchayat Union,
Pudukkada Post,
Kanyakumari District.
- 4.The President / Executive Officer,
Painkulam Village Panchayat,
Painkulam Post,
Kanyakumari District.
- 5.The Secretary,
Painkulam Village Panchayat,
Painkulam Post,
Kanyakumari District.
- 6.Thanishlas
- 7.Ashokan
- 8.Sujin

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 5 to demolish and remove the illegal and unauthorized construction of building suited in the name and style of Barathiyar Ilaignar Narpani Mandram and laid down of two iron bar abutting between the petitioner's property bearing Resurvey No.139/5C of Painkulam Village, Killiyoor Taluk, Kanyakumari District and road which leads to Viralivilai within a stipulated period fixed by this Court.

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



For Petitioner : Mr.S.Sivakumar
For RR 1 to 4 : Mr.P.Thilak Kumar
Government Pleader
For R - 5 : No appearance
For RR 6 to 8 : Mr.V.H.S.Prathap

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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of the private respondents having indulged in illegal construction without obtaining any permission from the appropriate authorities.

2.It is submitted by the sixth respondent that there is a private dispute between the petitioner and some of the private respondents which has resulted in the present mischievous petition to be filed.

3.Without going into the merits of the allegations, it is necessary to ascertain whether any illegal construction has been made.

4.Mr.P.Thilak Kumar, learned Government Pleader appears for the respondent Nos.1 to 4 and submits that the third respondent may be the appropriate officer to look into the matter.

5.Accordingly, W.P(MD)No.13421 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation pertaining to the matters complain of to the third respondent-Block Development Officer. Upon receipt of such representation, the Block Development Officer will conduct an inquiry upon notice to the petitioner, the private respondents and others who may be affected thereby. If the Block Development Officer finds any illegal construction, the Block Development Officer will ensure that immediate appropriate steps are taken to demolish the same, upon due notice to the persons in occupation of such illegally constructed space.

6.The Block Development Officer should communicate a reasoned decision after completing his inquiry to both the petitioner and the private respondents within three months of the receipt of the representation.



7. Consequently, W.M.P(MD) No.14373 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (P & A)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PS/SSL

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,
At Nagercoil.
2. The Assistant Director of Village Panchayat
Campus of District Collector Office,
Nagercoil,
Kanyakumari District.
3. The Block Development Officer,
Munchirai Panchayat Union,
Pudukkadam Post,
Kanyakumari District.
4. The President / Executive Officer,
Painkulam Village Panchayat,
Painkulam Post,
Kanyakumari District.
5. The Secretary,
Painkulam Village Panchayat,
Painkulam Post,
Kanyakumari District.

+1 CC to M/s.S.SIVA KUMAR, Advocate (SR-30525[F] dated 28/09/2021)

+1 CC to M/s.SPL.GP (SR-30660[F] dated 29/09/2021)

W.P. (MD) No.13421 of 2021
28.09.2021

NSN(CO)/RS (08.10.2021) 3P 8C

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