



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.19538 of 2020

WEB COPY

S.Edwin Marcel Raj

... Petitioner

Vs

1.The District Collector,  
Kanyakumari District,  
Nagercoil.

2.The Revenue Divisional Officer,  
Nagercoil.

3.The Tahsildar,  
Kalkulam Taluk,  
Thuckalay,  
Kanyakumari District.

4.The Assistant Director of Town Panchayat,  
Collectorate Campus,  
Nagercoil.

5.The Executive Officer,  
Reethapuram Town Panchayats,  
Reethapuram & Post,  
Kanyakumari District.

6.Antony

7.Alexander

8.Jeyaseelan

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from granting plan approval to the respondents 6 to 8 to construct any structures in the common pathway comprised in R.S.No.222/22 of Simon Colony Village, Kalkulam Taluk, kanyakumari District in Ward No.3, Block No.6, under the fifth respondent.

For Petitioner : Mr.C.T.Perumal

For R1 to R5 : Mrs.S.Srimathy

Special Government Pleader

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1  
<https://hcservices.ecourts.gov.in/hcservices/>



to 5. Considering the nature of relief to be granted, notice to the other respondents is dispensed with.

2. This Court indicated that the writ petition has been prematurely filed. There upon, the petitioner's counsel drew my attention to the notice dated 27.08.2020 issued by the fifth respondent Panchayat calling upon the private respondents to stop work. It appears that the private respondents are putting up construction in the common pathway. The petitioner has given a representation dated 29.07.2020 in this regard. The fifth respondent as a local body is obliged to look into the same.

3. I therefore direct the fifth respondent to take action on the petitioner's representation dated 29.07.2020. I make it clear that I have not gone into the merits of the matter. The fifth respondent should of-course put the affected parties on notice before taking any consequential action. The order passed by this Court will not be utilized for the purpose of taking any coercive action without notice.

4. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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.

2. The Revenue Divisional Officer,  
Nagercoil.



3.The Tahsildar,  
Kalkulam Taluk,  
Thuckalay,  
Kanyakumari District.

4.The Assistant Director of Town Panchayat,  
Collectorate Campus,  
Nagercoil.

5.The Executive Officer,  
Reethapuram Town Panchayats,  
Reethapuram & Post,  
Kanyakumari District.

+1 CC to M/s.GP ( SR-238[F] dated 06/01/2021 )

+1 CC to M/s.C.T.PERUMAL, Advocate ( SR-9[F] dated 04/01/2021 )

W.P. (MD) No.19538 of 2020

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