



W.P(MD) No.21700 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA
PRASAD**

W.P.(MD) No.21700 of 2022

Sarthana Beevi

... Petitioner

-VS-

- 1.The District Collector,
Thanjavur.
- 2.The Block Development Officer,
Peravoorani Taluk,
Thanjavur District.
- 3.The Village Panchayat,
Periyanayakipuram Village Panchayat,
Avanam, Peravoorani Taluk,
Thanjavur District.
- 4.Mohammed Taliq

5.Syedhu Arbeen

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the third respondent to demolish the unauthorized construction in Survey No.36/2B situated at Aavanam Village, Peravoorani Taluk, Thanjavur District in accordance with the



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Rule 34 of Tamil Nadu Village Panchayat Building Rules 1997 based on the petitioner's representation dated 16.02.2022.

For Petitioner : Mr.M.Ramu

For Respondent : Mr.V.Nirmal Kumar,
Government Advocate
for R1 and R2

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come forward with this writ petition praying to issue a writ of Mandamus, directing the third respondent to demolish the unauthorized construction in Survey No.36/2B situated at Aavanam Village, Peravoorani Taluk, Thanajvur District, in accordance with Rule 34 of Tamil Nadu Village Panchayat Building Rules 1997, based on the petitioner's representation dated 16.02.2022.

2. Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate appearing for respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The allegation of the petitioner is that the respondents 4 and 5 had put up the unauthorized construction in the above said survey number without obtaining necessary approval from the third respondent and in this regard, she submitted a representation to the third respondent on 16.02.2022 and also to the second respondent on 22.02.2022 and the same, according to learned counsel for the petitioner, are unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the second respondent to consider the representation of the petitioner dated 22.02.2022, in accordance with law.

4. In view of the limited relief sought for, notice to the private respondents is dispensed with.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 22.02.2022, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the



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parties concerned, within a period of six (8) weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the second respondent, who should pass orders depending upon the facts and circumstances of the case. No costs.

[R.M.D., J.] [J.S.N.P., J.]
14.09.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

- 1.The District Collector,
Thanjavur.
- 2.The Block Development Officer,
Peravoorani Taluk,
Thanjavur District.



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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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