

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

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

**W.P(MD)No.24314 of 2022
and
W.M.P(MD)No.18420 of 2022**

A.Kalaimani

... Petitioner

VS.

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
- 3.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.
- 4.Puliyangudi Municipality,
Represented by its Commissioner,
Puliyangudi, Tenkasi District.
- 5.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

6.Angappan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take action on the petitioner's representation dated 30.09.2022 seeking to remove the encroachment in Survey No.127 and stop the constructions put up by the sixth respondent without obtaining the building plan approval from the fourth respondent in Survey No.129, Agasthiyar Kovil Street, Puliyangudi, Kadayanallur Taluk, Tenkasi District.

For Petitioner : Mr.R.J.Karthick

For RR 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For R - 4 : Mr.M.Rajarajan

For R – 5 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action on the petitioner's representation, dated 30.09.2022 seeking to remove the encroachment in Survey No.127 and stop the constructions put up by the sixth respondent without obtaining the building plan approval from the fourth respondent in Survey No.129, Agasthiyar Kovil Street, Puliyangudi, Kadayanallur Taluk, Tenkasi District.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 3, Mr.M.Rajarajan, learned counsel takes notice for the fourth respondent and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the fifth respondent. Having regard to the nature of the order proposed to be passed, notice to the sixth respondent is dispensed with.

3.It is the specific case of the petitioner that the sixth respondent is constructing the building without obtaining necessary planning permission/approval that too on a Government land.

4.In such view of the matter, we are inclined to dispose of the Writ Petition with a direction to the official respondents to cause an inspection of the place in question on 26.10.2022 and if any construction is proceeded with, without any planning permission obtained from the Government authorities, the same shall be stalled and further action for demolition of the same be initiated and by following due process of law. While conducting the inspection, the official respondents shall permit the petitioner as well as the sixth respondent to be present.

5.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.10.2022

Index : Yes / No
Internet : Yes
ps

Note:- Issue Order Copy on 20.10.2022.

To

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
- 3.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.
- 4.Puliyangudi Municipality,
Represented by its Commissioner,
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- 5.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

W.P(MD)No.24314 of 2022

R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
W.P(MD)No.24314 of 2022**

20.10.2022