



W.P(MD)No.26841 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.26841 of 2022
and
WMP(MD)No.21034 of 2022

K.Aynkara Arumuga Vel

... Petitioner

vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Commissioner,
Sivakasi Corporation,
Sivakasi,
Virudhunagar District.

3. The Deputy Director,
District Town and Country Planning,
No.5/678 Nehru Street,
N.G.O Colony,
Virudhunagar-626 001.

4. P.P.C.Sudharsan

5.A.S.P.T.Maheswaran

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6.S.Baskaran

7.G.Senthilrajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorised construction put up by the respondents 4 to 7 in Door No.10, Arisikolvan Street, Sivakasi, Virudhunagar District, on the basis of the petitioner's representation dated 14.11.2022.

For Petitioner	: Mr.S.M.Anantha Murugan
For R1 to R3	: Mr.M.Sarangan
	Additional Government Pleader
For R4 to R9	: Mr.N.Sathish Babu

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorised construction put up by the respondents 4 to 7 in Door No.10, Arisikolvan Street, Sivakasi, Virudhunagar District, on the basis of his representation dated 14.11.2022.

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2. Learned Additional Government Pleader appearing for the respondents 1 to 3 has placed the order passed by the 2nd respondent in Na.Ka.No.6227/2022/F1, dated 18.11.2022, under Section 296(1) (2) of the Sivakasi Corporation Act, 2021, directing the private respondents to stop the construction of the temple building in the aforesaid door number and to demolish the construction put up by them in seven days. He further placed the communication of the 2nd respondent and submitted that despite the aforesaid order dated 18.11.2022, since the private respondents proceeded with the construction of the temple building, they were warned and accordingly they stopped the construction work. Thereafter, the temple administration applied to the 2nd respondent seeking planning permission to construct the temple building on 30.11.2022. Since it is the construction of temple building, the 2nd respondent informed them to get no objection certificate from the District Collector as per the Annexure-XVII(6) to Rule 19 of the Tamil Nadu Combined Development and Building Rules, 2019, for getting planning permission to construct the temple building.



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WEB COPY3. Recording the above submission, the Writ Petition is disposed of. We make it clear that the private respondents shall not construct the temple building in the subject property without getting no objection certificate from the District Collector and planning permission from the 2nd respondent. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
12.12.2022

Index : Yes / No
Internet : Yes
bala

To

1. The District Collector,
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2. The Commissioner,
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Sivakasi,
Virudhunagar District.

3. The Deputy Director,
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.26841 of 2022
DATED : 12.12.2022