



W.P.(MD) No.28637 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28637 of 2022

and

W.M.P.(MD)No.22666 of 2022

S.Mahaboob John

... Petitioner

-Vs-

1.The Executive Officer,
Cheranmahadevi Panchayat,
Cheranmahadevi Taluk,
Tirunelveli.

2.C.Senthil Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take action against the construction of building in Old S.No.726/1 and New S.No.1793/8, Cheranmahadevi Taluk, Tirunelveli by the 2nd respondent in violation of building plan approval granted by the 1st respondent by considering the representation of the petitioner dated 21.09.2022 within the time fixed by this Court.

Page 1 of 5



WEB COPY

W.P.(MD) No.28637 of 2022

For Petitioner : Mr.H.Arumugam
For R1 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the 1st respondent to take action against the 2nd respondent for constructing a building in Old S.No.726/1 and New S.No.1793/8, Cheranmahadevi Taluk, Tirunelveli in violation of building plan approval granted by the 1st respondent, by considering the representation of the petitioner dated 21.09.2022, within the time to be fixed by this Court.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the 1st respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 2nd respondent is dispensed with.



W.P.(MD) No.28637 of 2022

WEB COPY

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Pointing out the illegal and unauthorized construction of the 2nd respondent, the petitioner made a representation dated 21.09.2022 to the 1st respondent. Since the same has not been considered till date, the petitioner has approached this Court with the aforesaid prayer.

5.The learned Additional Government Pleader for the 1st respondent, on instructions, submitted that the representation of the petitioner dated 21.09.2022 will be considered and appropriate orders would be passed on merits and in accordance with law.

6.Considering the limited scope of the prayer sought for in the Writ Petition, without going into the merits of the case, we are inclined to direct the 1st respondent to consider the representation of the petitioner dated 21.09.2022 and pass appropriate orders on its own merits and in accordance with law, after

Page 3 of 5



W.P.(MD) No.28637 of 2022

providing sufficient opportunity of hearing to all the parties concerned. Such an exercise shall be completed as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
23.12.2022

Index : Yes / No
Internet : Yes / No

Myr

To

1. The Executive Officer,
Cheranmahadevi Panchayat,
Cheranmahadevi Taluk,
Tirunelveli.



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W.P.(MD) No.28637 of 2022

D.KRISHNAKUMAR, J.

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W.P.(MD)No.28637 of 2022

23.12.2022

Page 5 of 5