



W.P.(MD) No.1164 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1164 of 2023

A.R.Seenivasan

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Kokkirakulam, Tirunelveli, Tirunelveli District.
- 2.The Sub Collector,
Cheranmahadevi, Tirunelveli District.
- 3.The Joint Director,
The District Town and Country Planning Office,
Tirunelveli District.

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4.The Assistant Director of Panchayat,
Tirunelveli Region, Jawahar Nagar,
N.G.O. 'B' Colony, Palayamkottai,
Tirunelveli-7.

5.The Executive Officer,
Thisaiyanvilai Town,
Special Grade Panchayat,
Thisaiyanvilai, Tirunelveli District.

6.The Revenue Tahsildar,
Thisaiyanvilai, Tirunelveli District.

7.Rama Rathinam

8.P.Sudhakar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 particularly, the 5th respondent to demolish the existing unapproved, illegal, dangerous construction as made over the common well to the depth of 150 feet in Survey No.16/2A2 situated at Thisaiyanvilai Village, Tirunelveli District measuring to an extent of 11 cents and restore the agricultural property into the original property forthwith.

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For Petitioner : Mr.S.Palani Velayutham
For R1 to R6 : Mr.K.Balasubramani,
Special Government Pleader

ORDER

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

This Writ Petition is filed seeking issuance of a Writ of Mandamus, directing the respondents 1 to 6, particularly, the 5th respondent to demolish the existing unapproved, illegal and dangerous construction as made over the common well to the depth of 150 feet in Survey No.16/2A2 situated at Thisaiyanvilai Village, Tirunelveli District measuring to an extent of 11 cents and restore the agricultural property into the original property forthwith.

2.Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 1 to 6. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 7 and 8 is dispensed with.

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

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4.The learned Special Government Pleader appearing for the respondents 1 to 6 has produced the proceedings of the 5th respondent dated 04.01.2023 addressed to him and submitted that the building in question is sealed on 04.01.2023 and the same will be demolished by following the procedures as contemplated under the rules.

5.In the light of the aforesaid submission, this Writ Petition stands disposed of, directing the 5th respondent to take necessary action to demolish the building in question, after providing sufficient opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

[D.K.K., J.] & [R.V., J.]
23.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

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