



W.P(MD)No.9068 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.9068 of 2023
and WMP(MD)No.8216 of 2023

S.M.Sindha Madhar

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Ministry of Housing and Urban Development,
Fort St.George, Chennai- 600 009.
2. The Government of Tamil Nadu,
Rep. by its Secretary,
Ministry of Home Affairs,
Fort St.George, Secretariat,
Chennai- 600 009.
3. The District Collector/ Chairman,
Local Planning Authority,
Tirunelveli District, Tirunelveli.
4. The Regional Deputy Director,
Of Town and Country Planning,
Member Secretary, Tirunelveli Region,
Tirunelveli.

5. Jegadeesan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.3 and 4 to give proper instruction and direction to the fifth respondent for the complete closure of the V.V.Tower Building at Murugankurichi, Palayamkottai Taluk, Tirunelveli District based on the petitioner's representation, dated 14.02.2023.

For Petitioner	:Mr.S.Palani Velayutham
For R1 to R4	:Mr.N.Muthu Vijayan Special Government Pleader
For R5	:Mr.R.Anand

ORDER

The writ petition had been filed in the nature of a mandamus, seeking a direction against the third and fourth respondents namely the District Collector/ Chairman, Local Planning Authority, Tirunelveli District, Tirunelveli and the Regional Deputy Director, Of Town and Country Planning, Tirunelveli Region, Tirunelveli, to give proper instructions and direction to the fifth respondent, who is a private individual, to close the building namely V.V.Tower Building at Murugankurichi, Palayamkottai Taluk, Tirunelveli District. The petitioner had given a representation on 14.02.2023.



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2.The locus of the petitioner seek to close a building itself is questionable. If a building has to be closed, it should be done in accordance with law and in the manner known to law. The concerned authorities have to take necessary action.

3.The learned counsel for the petitioner placed reliance of the order of the Division Bench of this Court in ***WP(MD)No.6509 of 2017, dated 04.08.2017 in H.Mohamed Riaz Vs The Chairman/District Collector and two others.*** The learned counsel for the petitioner states that an order has been passed to close the premises. Therefore, the learned counsel for the petitioner seeks a direction for closure of building.

4.The aforementioned order was passed by the Division Bench of this Court. This Court cannot interpret that particular order and cannot act as an executing Court.



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5.In view of the above facts, this Writ Petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

20.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM

To

1. The Secretary
The Government of Tamil Nadu,
Ministry of Housing and Urban Development,
Fort St.George, Chennai- 600 009.
2. The Secretary,
The Government of Tamil Nadu,
Ministry of Home Affairs,
Fort St.George, Secretariat,
Chennai- 600 009.
3. The District Collector/ Chairman,
Local Planning Authority,
Tirunelveli District, Tirunelveli.
4. The Regional Deputy Director,
Of Town and Country Planning,
Member Secretary, Tirunelveli Region,
Tirunelveli.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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