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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2023**

CORAM:

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

**W.P(MD)NO.11039 OF 2021
and
W.M.P(MD)No.8671 of 2021**

V.Marikannu

:Petitioner

.VS.

- 1.The District Collector,
Office of the District Collector,
Pudukkottai District.
- 2.The Executive Officer,
Karambakudi Town Panchayat,
Pudukkottai District.
- 3.The Deputy Director,
Town and Country Planning Department,
430,Gandhi Street,
Sivagangai,
Sivagangai District.

4.Vijayakumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the District Collector/Ist Respondent in his proceedings in Na.Ka.No. 13065/2019, dated 08.02.2021 and to quash the same and



consequently to direct the respondents 1 to 3 to demolish the unauthorized construction of the building namely, S.V.Abi Thirumanamandapam situated at Big Bazar Street, Karambakudi, Pudukkottai District.

For Petitioner :Mr.B.Jameel Arasu

For Respondents :Mr.M.Sarangan
1 to 3 Addl.Govt.Pleader

For Respondent-4 :Mr.C.Mahadevan

ORDER

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

This Writ Petition is filed challenging the impugned order issued by the District Collector/Ist Respondent in his proceedings in Na.Ka.No.13065/2019, dated 08.02.2021 and to quash the same and consequently to direct the respondents 1 to 3 to demolish the unauthorized construction of the building namely, S.V.Abi Thirumanamandapam situated at Big Bazar Street, Karambakudi, Pudukkottai District.

2.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that pending Writ Petition, the official respondents have lock and seal the premises in question and further submitted that the fourth respondent has informed the



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respondents 1 to 3 that revision application is pending before the third respondent and they are awaiting for the course of action on the order to be passed by the third respondent. It is further submitted that the learned counsel for the Petitioner has not furnished the particulars to the third respondent. If no further particulars are furnished, the third respondent will take necessary action for removal of encroachment.

3.The learned counsel appearing for the fourth respondent informs this Court that the revision application is pending before the third respondent.

4.Considering the above said facts, this Court passes the following Order:

This Court directs the fourth respondent to furnish the details of the revision application pending before the third respondent within a period of four weeks from the date of receipt of a copy of this order. Based on the particulars furnished by the fourth respondent, the third respondent is directed to take necessary action for the removal of encroachment. If no particulars are



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furnished, the third respondent is directed to take necessary action for removal of the unauthorized construction made by the fourth respondent, by following the due process of law, immediately, without any further delay. Based on the final decision of the third respondent, the second respondent is directed to take further action, in the manner known to law.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
24.01.2023

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

vsn

To

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2. The Executive Officer,
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Pudukkottai District.



3.The Deputy Director,
Town and Country Planning Department,
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Sivagangai,
Sivagangai District.

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D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR, J.

vsn

ORDER MADE IN
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