



W.P.(MD)Nos.12693 and 14268 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.12693 and 14268 of 2020

and

W.M.P.(MD)Nos.11925 and 10794 of 2020

Susila Devi

... Petitioner in both petitions

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Vallioor Panchayat Union,
Vallioor, Tirunelveli District

3.Vijayan

...Respondents in both petitions

PRAYER in W.P.(MD)No.12693 of 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to demolish the illegal construction made by 3rd respondent without any approved plan in the land to the extent of cents 9.03 in Natham Survey No.2698/4 (old survey No.1762/1) at Perungudi Village, Kavalkinaru Panchayat,



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Radhapuram Taluk, Tirunvelveli District by considering petitioner's representation dated 04.09.2020.

PRAYER in W.P.(MD)No.14268 of 2020: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to forbear from approving any plan for construction of unauthorized house by third respondent in Survey No.. in the land to the extent of cents 9.03 in Natham survey No.2698/4 (old survey No.1762/1) at Perungudi Village, Kavalkinaru Panchayat, Radhapuram Taluk, Tirunvelveli District by considering petitioner's representation dated 29.09.2020.

In both petitions:

For Petitioner : Mr.S.R.Anbarasu
For R1 and R2 : Mr.S.Shanmugavel
Additional Government Pleader
For R3 : Mr.A.Arumugam

COMMON ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The relief sought for in these writ petitions is to forbear the official respondents from approving any building plan for construction of an unauthorized house by the third respondent and to demolish the illegal construction made by the third respondent, respectively in the subject property.



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2. With respect to the allegation set out in these writ petitions by the petitioner, the second respondent/Block Development Officer has to conduct field inspection and ascertain as to whether any unauthorized construction has been made in the subject land. If so, actions are to be initiated by following the procedures as contemplated under the statutes and Rules in force.

3. However, in respect of the civil dispute raised between the parties, we are not inclined to consider the same. In respect of unauthorized construction, if any, the official respondents shall conduct investigation and proceed with the actions if necessary under the statutes.

4. With the above directions, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
28.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

ta

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Block Development Officer,
Vallioor Panchayat Union,
Vallioor, Tirunelveli District.

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