



W.P.(MD) No.14419 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.14419 of 2023
and
W.M.P.(MD) No.12220 of 2023**

A.G.Prakash

... Petitioner

-VS-

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Revenue Divisional Officer,
Devakottai, Sivagnagi District.
3. The Tahsildar,
Karaikudi Taluk, Sivagangai District.
4. The Deputy Director,
Town and Country Planning Department,
Sivagangai, Sivagangai District.
5. The Commissioner,
Karaikudi Municipality, Karaikudi,
Sivagangai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the 5th respondent or his men from putting up the illegal and unauthorized construction work of new commercial complex situated near at Anna Statue, Karaikudi 2nd Feet, Karaikudi Town, Sivagangai District except under due process of law by considering the petitioners representation dated 21.04.2023.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.P.Thilak Kumar
Government Pleader for R1 to R4
Mr.D.Venkatesh for R5

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 to 4 and Mr.D.Venkatesh, learned counsel takes notice for the fifth respondent.



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2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The mandamus as prayed for cannot be granted as the owner of the property – Municipality is entitled to develop its property. If the development is in violation of the Tamil Nadu Town and Country Planning Rules or any other statutory provisions, it is open to the petitioner to point out such violation. A blanket mandamus in the nature sought for cannot be issued and therefore, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

20.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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