



W.P.(MD) No.3939 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**W.P.(MD) No.3939 of 2018
and WMP(MD) No.4089 of 2018**

Siddippu

... Petitioner

-VS-

- 1.The Commissioner
Kadayanallur Panchayat Union,
Kadayanallur,
Tirunelveli District
- 2.The Special Officer President,
Thirukoodapuram Village Panchayat,
Kadayanallur Panchayat Union,
Kadayanallur Taluk
Tirunelveli District
- 3.The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi
Tirunelveli District
- 4.JannathulFirthouse

... Respondents



W.P.(MD) No.3939 of 2018

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to restrain the respondents from making any unauthorised construction in the immediate north of this petitioner's house, with door No.192B new Door No.188A, in ward No.4 in S.No.941/1A in Thirukoodapuram Panchayat, in Kadayanallur Panchayat Union in Tirunelveli District.

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.D.Sasikumar for R1 to R3
Additional Government Pleader
No appearance for R4

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.F.X.Eugene, learned counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader for the respondent Nos. 1 to 3.

2. The learned counsel for the petitioner submits that the respondent No.4 is carrying out unauthorised construction.



W.P.(MD) No.3939 of 2018

WEB COPY

3. On 20.03.2018, this Court had recorded the submission of the learned Additional Government Pleader that the petitioner has also put up unauthorised construction. This Court also observed that inspection of the petitioner's property should be conducted and first respondent was directed to file a report as regards the exact state of affairs of both in respect of the petitioner's property as well as the fourth respondent's property.

4. The learned Additional Government Pleader submits that inspection was conducted and the fourth respondent submitted an application for building permission on 16.02.2018. The same could not be processed because of the pendency of the writ petition.

5. The statutory authority is not enjoined or prevented from performing its statutory duties. It is for the statutory authority to process the application in accordance with law.



W.P.(MD) No.3939 of 2018

WEB COPY

6. If any unauthorised construction exists, then, the planning authority may take further steps in accordance with law.

7. The writ petition is disposed of accordingly. However, there shall be no order as to costs. consequently connected Miscellaneous Petition is closed.

[S.V.G., CJ.]

[C.K., J.]

31.08.2023

NCC : Yes / No

Index : Yes / No

RR

To

1.The Commissioner

Kadayanallur Panchayat Union,

Kadayanallur,

Tirunelveli District

2.The Special Officer President,

Thirukoodapuram Village Panchayat,

Kadayanallur Panchayat Union,

Kadayanallur Taluk

Tirunelveli District

3.The Inspector of Police,

Puliyangudi Police Station,

Puliyangudi

Tirunelveli District



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W.P.(MD) No.3939 of 2018

THE HON'BLE THE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

RR

W.P.(MD)No.3939 of 2018

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