



W.P(MD).No. 19573 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.19573 of 2014
and
M.P(MD) Nos.1 and 2 of 2014

P.L.Packiasseelan

..... Petitioner

- Vs-

1. The Deputy Director of Town and Country Planning
(I/c) Tirunelveli Region,
108, Trivandrum Road,
Palayamkottai,
Tirunelveli – 627 002.

2. The Executive Officer,
Thisayanvilai Town Panchayat,
Tirunelveli District.

3. J.Maria Anthony
4. Bellarmin Jacob

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to pass an order of demolition of the unapproved and unauthorised construction of commercial complex which is being constructed at Door No.578/4, Udangudi Road, Thisayanvilai, Tirunelveli



W.P(MD).No. 19573 of 2014

District by the respondents 3 and 4 on the basis of the petitioner representation dated 14.11.2014.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.M.Prakash
Additional Government Pleader
For – R-1

: Mr.R.Anand
For R-2

: Mr.C.Dhanaseelan
For R3 and R-4

ORDER

The present Writ Petition has been filed seeking for a Writ of Mandamus, directing the respondents 1 and 2 to pass an order of demolition of the unapproved and unauthorised construction of commercial complex which is being constructed at Door No.578/4, Udangudi Road, Thisayanvilai, Tirunelveli District by the respondents 3 and 4 on the basis of the petitioner's representation dated 14.11.2014.

2. The learned counsel for the petitioner would submit that the respondents 3 and 4 have constructed the commercial building in violation



W.P(MD).No. 19573 of 2014

of the planning permission granted to them. He would contend that the respondents 3 and 4 accorded permission only to construct ground floor and first floor. But, however, proceeded to construct the second floor. Therefore, he made a representation to the second respondent to take appropriate action. Since no action has been taken, he had approached this Court seeking for the aforesaid prayer.

3. The first respondent had filed counter affidavit contending that the second respondent granted planning permission contravention with the Rules.

4. Be that as it may, the petitioner had made a representation to the second respondent to take appropriate action against the construction made by the respondents 3 and 4 which has not been considered till date. The petitioner is directed to make a fresh representation to the first respondent which is Local Planning Authority. On receipt of such representation, the first respondent shall pass orders on merits and in accordance with law. However, before passing order, the first respondent shall afford an opportunity to all the parties concerned including the owner of the building



W.P(MD).No. 19573 of 2014

the respondents 3 and 4 herein. Such exercise shall be carried on within a period of eight (8) weeks thereafter.

5. With the above said directions, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

24.01.2023

NCC: Yes / No

Index : Yes / No

Internet : Yes / No

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W.P(MD).No. 19573 of 2014

K.KUMARESH BABU, J.

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