



W.P.(MD)No.19317 of 2023

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)No.19317 of 2023

P.Kanagaraj

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The District Revenue Officer,
Tenkasi District,
Tenkasi.
- 3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.
- 4.The Tahsildhar,
Sivagiri Taluk,
Tenkasi District.
- 5.The Panchayat President,
Nelkattumseval,
Sivagiri Circle,
Tenkasi District.



W.P.(MD)No.19317 of 2023

6.Chandran
7.Aadhi Manikandan
8.Pillaiyaar
9.Karuppasamy
10.Gunasekaran

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to demolish the commercial building construction by the 6th to 10th respondents which is an unapproved building construction in new survey number 744/15 Nelkattumseval patcheri, Sivagiri Circle, Tenkasi by way of concluding the petitioner's representation dated 29.07.2023.

For Petitioner : Mr.K.P.Sankarakumarakurubaran
For R1 to R4 : Mr.M.Lingadurai
Special Government Pleader
For R6 to R10 : Mr.T.Indra Chithu

ORDER

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

The writ of mandamus has been instituted to direct the respondents to demolish the commercial building put up by the respondents 6 to 10 unauthorizedly causing prejudice to the neighbors and public at large.



W.P.(MD)No.19317 of 2023

WEB COPY

2.The petitioner submitted an application to demolish the unauthorized construction by conducting field survey. Since no action was taken, the petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the contesting respondents made a submission that there is no such unauthorized construction and the subject land belongs to the Kaaladi Community people and there is no irregularity as alleged by the petitioner.

4.This Court cannot go into the merits of the case, since it requires filed inspection and examination of documents including building plan approval granted by the competent authority. Thus, we direct the respondents 1 to 4 to conduct field inspection, verify the documents by affording opportunity to all the parties and by conducting enquiry regarding the building plan approval and other necessary permission and thereafter proceed with the action, if any unauthorized constructions are identified, and by following the procedure contemplated under the rules in force. Such an exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order. Till such time the final



W.P.(MD)No.19317 of 2023

orders are passed by the competent authority, the parties are directed to maintain status quo.

5. With the above direction, this writ petition is disposed of. No costs.

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

28.11.2023

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

ta

To

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The District Revenue Officer,
Tenkasi District, Tenkasi.
3. The Revenue Divisional Officer,
Usilampatti,
Madurai District.
4. The Tahsildhar,
Sivagiri Taluk,
Tenkasi District.

4/5



WEB COPY



W.P.(MD)No.19317 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

ta

W.P.(MD)No.19317 of 2023

28.11.2023