



W.P(MD).Nos. 850 and 851 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)Nos.850 and 851 of 2015

and

M.P(MD) Nos.1 and 1 of 2015

W.P(MD) No.850 of 2015:

M.Selvin

..... Petitioner

- Vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3. The Assistant Director,
Town Panchayats,
Tirunelveli District,
Tirunelveli.

4. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.



W.P(MD).Nos. 850 and 851 of 2015

WEB COPY

5. The Executive Officer,
Town Panchayat,
Tisayanvilai, Radhapuram Taluk,
Tirunelveli District.

6. The Inspector of Police,
Tisayanvilai Police Station,
Tisayanvilai,
Radhapuram Taluk,
Tirunelveli District.

7. Maria Anthony Ammal

... 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 to 5 to take steps for the demolition or removal of the commercial complex building of the seventh respondent under construction in survey No.578/4 located at Tisayanvilai Udankudi Road in Tisayanvilai Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.P.Gunasekaran
for S.R.Anbarasu

For Respondents : Mr.M.Prakash
Additional Government Pleader
For – R-1 to R-4
: Mr.R.Anand - For R5
: Mr.R.M.S.Sethuraman
Additional Public Prosecutor
For R-6
: Mr.C.Dhanaseelan - For R7



W.P(MD).Nos. 850 and 851 of 2015

W.P(MD) No.851 of 2015:

WEB COPY

L.Bhagyaseelan

.... Petitioner

- Vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Assistant Director,
Town Panchayats,
Tirunelveli District,
Tirunelveli.
4. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
5. The Executive Officer,
Town Panchayat,
Tisayanvilai, Radhapuram Taluk,
Tirunelveli District.
6. The Inspector of Police,
Tisayanvilai Police Station,
Tisayanvilai,
Radhapuram Taluk,
Tirunelveli District.

7. Maria Anthony Ammal

... Respondents



W.P(MD).Nos. 850 and 851 of 2015

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 to 5 to take steps for the demolition or removal of the commercial complex building of the seventh respondent under construction in survey No.578/4 located at Tisayanvilai Udankudi Road in Tisayanvilai Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner	: Mr.P.Gunasekaran for S.R.Anbarasan
For Respondents	: Mr.M.Prakash Additional Government Pleader For – R-1 to R-4 : Mr.R.Anand For – R-5 : Mr.R.M.S.Sethuraman Additional Public Prosecutor For – R-6 : Mr.C.Dhanaseelan For R-7

COMMON ORDER

These Writ Petitions have been filed seeking for a Writ of Mandamus, directing the respondents 1 to 5 to take steps for the demolition or removal of the commercial complex building of the seventh respondent under construction in Survey No.578/4 located at Tisayanvilai Udankudi Road in Tisayanvilai Village, Radhapuram Taluk, Tirunelveli District.



W.P(MD).Nos. 850 and 851 of 2015

WEB COPY

2. The learned representing counsel for the petitioners would submit that the seventh respondent has constructed the commercial building in violation of the planning permission granted to them. He would contend that the seventh respondent was accorded permission only to construct ground floor and first floor, but, however, proceeded to construct the second floor. Therefore, they made a representations to the fifth respondent to take appropriate action. Since no action has been taken, they had approached this Court seeking for the aforesaid prayer.

3. Be that as it may, the petitioners had made representations to the fifth respondent to take appropriate action against the construction made by the seventh respondent which has not been considered till date. The petitioners are directed to make a fresh representation to the Local Planning Authority, Tirunelveli Region, Tirunelveli District. On receipt of such representation, the Local Planning Authority shall pass orders on merits and in accordance with law. However, before passing order, the Local Planning Authority shall afford an opportunity to all the parties concerned including the owner of the building, namely, the seventh respondent herein. Such exercise shall be carried on within a period of eight (8) weeks thereafter.



W.P(MD).Nos. 850 and 851 of 2015

WEB COPY

4. With the above said directions, these Writ Petitions are disposed of.

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

24.01.2023

NCC: Yes / No

(2/2)

Index : Yes / No

Internet : Yes / No

ebsi



W.P(MD).Nos. 850 and 851 of 2015

WEB COPY To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Assistant Director,
Town Panchayats,
Tirunelveli District,
Tirunelveli.
4. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
5. The Executive Officer,
Town Panchayat,
Tisayanvilai, Radhapuram Taluk,
Tirunelveli District.
6. The Inspector of Police,
Tisayanvilai Police Station,
Tisayanvilai,
Radhapuram Taluk,
Tirunelveli District.
7. The Local Planning Authority,
Tirunelveli Region,
Tirunelveli District.



WEB COPY



W.P(MD).Nos. 850 and 851 of 2015

K.KUMARESH BABU, J.

ebsi

Order made in
W.P(MD)Nos. 850 and 851 of 2015

24.01.2023
(2/2)