



W.P(MD)No.21928 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.21928 of 2023

and

W.M.P(MD)No.18290 of 2023

Jothimani

... Petitioner

-VS-

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Palani Division,
Dindigul District.

3. The Tahsildar,
Palani Taluk,
Dindigul District.

4. The Block Development Officer,
Thoppampatti Panchayat Union,
Palani Taluk,
Dindigul District.

5. The President,
Melkaraipatti Village Panchayat,
Palani Taluk,
Dindigul District.

6. Jegadees

... Respondents



W.P(MD)No.21928 of 2023

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove/demolish the unauthorized construction made by the 6th respondent in Survey No.513/5B situated at Melkaraipatti Village, Palani Taluk, Dindigul District and close down the illegal operation of garments in the said building under Rule 34 of the Tamil Nadu Panchayat Building Rules, 1997, by considering the petitioner's representation dated 01.07.2023.

For Petitioner : Mr.T.Leninkumar

For R1 to R3 : Mr.P.Thilakkumar

Government Pleader

For R4 & R5 : Mr.J.K.Jayaseelan

Government Advocate

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This writ petition is for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 5 to remove/demolish the



W.P(MD)No.21928 of 2023

unauthorized construction made by the respondent No.6 in Survey No. 513/5B situated at Melkaraipatti Village, Palani Taluk, Dindigul District and close down the illegal operation of garments in the said building under Rule 34 of the Tamil Nadu Panchayat Building Rules, 1997, by considering the petitioner's representation dated 01.07.2023.

2. The only allegation in this writ petition is that the respondent No.6 without getting any building plan approval, has constructed unauthorised building and is running a garment business and that he is also littering waste and discharging sewage water on the public road. However, the above allegation is not substantiated by the photographs produced before this Court.

3. Learned Government Pleader appearing for the respondent Nos.1 to 3, on instructions, submitted that respondent No.6 submitted an application for planning permission and that it will be considered by the respondent authorities in due course.

4. In such circumstances, this Court is unable to entertain the writ petition. Leaving it open to the respondent authorities to consider and pass appropriate orders on the application filed by the respondent No.6 seeking planning permission and granting liberty to



W.P(MD)No.21928 of 2023

the petitioner to approach this Court for unauthorised construction, if the planning permission sought by respondent No.6 is rejected by the respondent authorities, the Writ Petition is closed. No costs. Connected miscellaneous petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
11.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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W.P(MD)No.21928 of 2023

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W.P(MD)No.21928 of 2023

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