



W.P(MD)No.24657 of 2019 & 16628 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.24657 of 2019 & 16628 of 2018

Aathima Munivar Samuthaya Trust,
East Street, Kattapomman Junction,
Nagercoil-629 001,
Kanyakumari District,
Represented through its Trustee,
S.Govindasamy

... Petitioner in both WPs

VS.

1. The Secretary to Government,
Housing and Urban Development Department,
St.George, Fort,
Chennai.

2. The Director,
Town and Country Planning,
807, Anna Salai,
Chennai-2.

3. The Member Secretary,
Nagercoil Local Planning Authority,
Collectorate, Nagercoil,
Kanyakumari District.



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4. The District Collector / Chairman,
Nagercoil Local Planning Authority,
Nagercoil-629 001.

5. The Municipal Commissioner,
Nagercoil Municipality,
Kanyakumari District.

6. S.Selvakumar

... Respondents in both Wps

PRAYER in W.P(MD)No.24657/2019 : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider petitioner's representations dated 07.09.2019 and 14.09.2019 and pass appropriate orders to re-seal the unauthorized construction made by the 6th respondent herein in Old S.No.1430, R.S.No.P-7/90 Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District which is in violation of order passed by the 1st respondent herein in his proceedings in Letter No.2449/UD4(1)/2018-2 dated 04.03.2019 within a time stipulated by this Court.

PRAYER in W.P(MD)No.16628/2018 : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the unauthorized construction made by the 6th respondent herein in Old S.No.1430, R.S.No.P-7/90, Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District within a stipulated time framed by this Court.



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For Petitioner	: Mr.S.Vashik Ali
For R1 to R4	: Mr.P.T.Thiraviyam, Government Advocate
For R5	: Mr.P.Athimoolapandian
For R6	: Mr.P.Thirumahilmaran

COMMON ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

W.P(MD)No.24657/2019 is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider petitioner's representations dated 07.09.2019 and 14.09.2019 and pass appropriate orders to re-seal the unauthorized construction made by the 6th respondent herein in Old S.No.1430, R.S.No.P-7/90 Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District which is in violation of order passed by the 1st respondent herein in his proceedings in Letter No.2449/UD4(1)/2018-2 dated 04.03.2019 within a time frame.



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2. W.P(MD)No.16628/2018 is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the unauthorized construction made by the 6th respondent herein in Old S.No.1430, R.S.No.P-7/90, Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District within a stipulated time framed by this Court.

3. Today, when the writ petitions were taken up for hearing, learned counsel for the petitioner as well as the learned counsel for the 6th respondent submitted that it is suffice if the 6th respondent's appeal petition dated 05.02.2019 pending before the 1st respondent is directed to be disposed of within a time frame.

4. In the light of the limited relief sought for, without expressing any opinion on the merits of the case, we direct the 1st respondent to consider the 6th respondent's appeal petition dated 05.02.2019 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



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No costs.

[D.K.K.,J.] & [R.V.,J.]
02.01.2023

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

1. The Secretary to Government,
Housing and Urban Development Department,
St.George, Fort,
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2. The Director,
Town and Country Planning,
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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COMMON ORDER MADE IN
W.P(MD)No.24657 of 2019
& 16628 of 2018
DATED : 02.01.2023