



W.P.(MD)No.24732 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.24732 of 2023

and

W.M.P.(MD)No.20904 of 2023

S.Narayanasasmy

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Thoothukudi District

2.The Block Development Officer,
O/o. the Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District

3.Ilupaiyurani Village Panchayat,
Rep. by its Panchayat President,
Ilupaiyurani Village,
Kovilpatti Taluk,
Thoothukudi District

4.N.Seethalakshmi
5.P.Chinnammal

...Respondents



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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 3 to remove the unauthorized construction made by the respondents 4 to 5 in S.No.516/1B, Illupaiyurani Village, Kovilpatti, Tuticorin District within the time frame stipulated by this Court.

For Petitioner	: Mr.M.Mahaboob Fazil M/s.Lajapathi Roy and Associates
For R1 to R3	: Mr.M.Lingadurai Special Government Pleader
For R4 & R5	: Mr.V.Meenakshi Sundaram

ORDER

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

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to remove the unauthorized construction made by the respondents 4 and 5 in S.No.516/1B, Illupaiyurani Village, Kovilpatti, Tuticorin District.

2.After hearing the arguments of the learned respective counsel appearing on behalf of the parties to the lis, we are of the opinion that there are disputed facts in the present petition and it cannot be adjudicated in a writ proceedings. The allegations regarding unauthorized construction are to be



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verified by conducting field inspection and by scrutinizing the documents, if any produced by the parties. Therefore, the respondents 1 and 2 are bound to conduct field inspection and initiate appropriate action.

3.In view of the above facts and circumstances, the respondents 1 and 2 are directed to conduct field inspection by affording opportunity to all the parties and if any unauthorized construction are identified, appropriate actions are to be initiated to demolish such unauthorized construction. 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.

4.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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

28.11.2023

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

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3/5



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Thoothukudi District
2. The Block Development Officer,
O/o. the Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District
3. The Panchayat President,
Ilupaiyurani Village Panchayat,
Ilupaiyurani Village,
Kovilpatti Taluk,
Thoothukudi District



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AND

V.LAKSHMINARAYANAN, J.

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