



W.P(MD)No.27402 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM :

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

W.P(MD)No.27402 of 2022
and
WMP(MD)No.21493 of 2022

K.Kamarunnisa Begum

... Petitioner

vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Sub Collector,
Palani,
Dindigul District.

3. The Commissioner,
Vadamadurai Panchayat Union,
Vadamadurai,
Dindigul District.

4. The President
Sukkampatti Village Panchayat,
Vedasandur Taluk,
Dindigul District.

5. M.Kamalmaideen

1/6



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6. T.Anbu Murugan

7. Tmt.Latha

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take against the unauthorized constructions made by Respondent Nos.5 to 7 in the property comprised in S.No. 705/3A1A, Sukkampatti Village, Vadachendur Taluk, Dindigul District.

For Petitioner : Mr.R.Murali
For R1 to R4 : Mr.K.Balasubramani
Special Government Pleader
For R6 : Mr.S.Balaji
Advocate Commissioner : Mr.R.Surya Prakash

ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take action against the unauthorized constructions made by the respondents 5 to 7 in the property comprised in S.No.705/3A1A, Sukkampatti Village, Vadachendur Taluk, Dindigul District.



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2. By order dated 02.12.2022, Mr.R.Surya Prakash, Advocate, was appointed as advocate commissioner to ascertain as to whether any unauthorised building is being constructed in the aforesaid property. The Advocate Commissioner has visited the property in question and filed his report. The relevant portion of the report is as follows:-

"6. It is further submitted that on my visit to the subject mentioned place, I found that respondents have made constructions in the Survey No.705/3A1A which are in basement level Permanent Structure, Temporary steel shed room, cement water tank and bore well.

7. It is further submitted that subsequently I have measured the abovesaid constructions with the help of surveyor and the measurement of the constructions are as follows:-

- a. Basement level Permanent Structure – 925 Sq.feet
- b. Temporary Steel shed rood – 258 Sq.feet.
- c. Cement water tank – 1.6 x 2 feet

8. It is further submitted that at the time of inspection petitioner counsel and respondent counsel have circulated certain documents which are not filed before this Hon'ble



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Court and I have not considered the same, sine it is beyond the scope of the warrant issued by this Hon'ble Court. The 4th respondent has produced a proceeding by which the application made by the 6th respondent seeking for building permission has been rejected and the same is annexed in the typedset."

3. Learned counsel for the petitioner submitted that now the private respondents are not proceeding with the construction work in the place in question and because of the pendency of this writ petition, the 4th respondent has cancelled the receipt for payment of inspection charges.

4. Learned counsel for the 6th respondent submitted that the private respondents will proceed with the construction work only after getting planning permission from the competent authorities.

5. Recording the aforesaid submission, the Writ Petition is disposed of. We make it clear that if any application is filed by the private respondents seeking planning permission, the same has to be



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considered, if it satisfies the required norms. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
20.01.2023

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

To

1. The District Collector,
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Dindigul.
2. The Sub Collector,
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Dindigul District.
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.27402 of 2022
DATED : 20.01.2023