



W.P.(MD)No.27290 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.27290 of 2023

and

W.M.P.(MD)No.23422 of 2023

Sunitha

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District, At Nagercoil-629 001.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.

3.The Assistant Director of Town Panchayat,
Nagercoil, Kanyakumari District.

4.The Executive Officer,
Attoor Town Panchayat,
Attoor, Kanyakumari District.

5.Sunilkumar

6.Rosammal

...Respondents



W.P.(MD)No.27290 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate steps to remove the unauthorized construction put up by the 6th respondent at Survey No. 21/4A of Attoor Village, Thiruvattar Taluk, Kanyakumari District and to stop the illegal poultry farm conducted by the respondents 5 and 6 at the 2nd floor of the said premises by considering the representation of the petitioner dated 05.09.2023 within a time frame that may be fixed by this Court.

For Petitioner : Mr.L.Jeen Felix

For R1 & R3 : Mr.S.Shanmugavel,
Additional Government Pleader

For R2 : M/s.Vijayakumari Natarajan

ORDER

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

This Writ Petition has been instituted to direct the respondents 1 to 4 to take appropriate steps to remove the unauthorized construction put up by the 6th respondent at Survey No.21/4A of Attoor Village, Thiruvattar Taluk, Kanyakumari District and to stop the illegal poultry farm conducted by the respondents 5 and 6 at the 2nd floor of the said premises by considering the representation of the petitioner dated 05.09.2023 within a time frame that may be fixed by this Court.



W.P.(MD)No.27290 of 2023

2.The Executive Officer, Attoor Town Panchayat has submitted a report, stating that first floor and second floor in the subject building had been constructed without obtaining planning permission. Thus, they remain as unauthorized construction.

3.May that as it be, we are not inclined to decide the merits involved in this case. However, the respondents 1 to 4 are directed to conduct field inspection of the subject property by issuing notice to all the parties and identify the unauthorized portion of the constructions and initiate action to remove the same by following the procedures as contemplated under the Act. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)
29.11.2023

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

3/4



W.P.(MD)No.27290 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The District Collector,
Kanyakumari District, At Nagercoil-629 001.
- 2.The Assistant Director of Town Panchayat,
Nagercoil, Kanyakumari District.

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