



W.P(MD)No.29444 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29444 of 2023

and

W.M.P(MD)Nos.25404 & 25406 of 2023

D.V.Defin David

... Petitioner

Vs.

1.The District Collector
Kanyakumari District
at Nagercoil.

2.The Assistant Director of Village Panchayat,
Kanyakumari District
at Nagercoil.

3.The Block Development Officer
Munchirai,
Kanyakumari District.

4.The District Differently Abled Welfare Officer,
Nagercoil,
Kanyakumari District.

5.The Panchayat President
Adaikkakuzhi Village Panchayat,
Adaikkakuzhi (Post),
Kanyakumari District - 629 153.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Letter No.A10/01/23-24 dated 02.05.2023 passed by the 5th respondent and the consequential impugned Letter No.A10/01/23-24 dated 25.05.2023 passed by the 5th respondent and to quash the same and consequently direct the 5th respondent to grant permission for the construction of the Indoor Shuttle Badminton Court at their property in Sy.No.-34/2, Adaikkakuzhi Village (Methukummal Village), Killiyour Taluk (Vilavancode Taluk), Kanyakumari District.

For Petitioner : Mr.M.Pounraj

For Respondents : Mr.M.Prakash – for R1, R2 & R4

Additional Government Pleader

Mr.A.Albert James – for R3

Government Advocate

Mr.P.Arun Jayatram – for R5

ORDER

Heard the learned counsel appearing on either side.

2. The petitioner wants to set up a Shuttle Badminton Indoor Court in the petition mentioned patta land. The fifth respondent has



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rejected the application on certain grounds. The petitioner is permitted to resubmit the application after rectifying the defects pointed out by the fifth respondent.

3. I went through the impugned order, dated 25.05.2023 passed by the fifth respondent. I am of the view that some of the grounds of return are absolutely irrelevant. After the petitioner resubmits the application, the fifth respondent shall pass an order thereon within a period of four weeks thereafter. If an adverse order is still passed, it is always open to the petitioner to file an appeal before the second respondent and the second respondent will take a call in the matter.

4. With these observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2023

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

RM



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G.R.SWAMINATHAN, J.

RM

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