



WEB COPY



W.P.(MD)No.69 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.69 of 2023

and

W.M.P.(MD)No.82 of 2023

Arulmigu Ramanathaswamy Temple,

Rep. by its Executive Officer,

Rameswaram.

: Petitioner

Vs.

1.The District Collector,

Ramanathapuram.

2.The Block Development Officer,

Thiruvadanai Union,

Ramanathapuram District.

3.Kalanthar Shakin

4.Fathima Kuraiseon

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the official respondents to forbear the respondents 3 and 4 from putting up



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any unauthorized construction in the subject property bearing Sy.No.51/12 with an extent of 0.21.00 Ares (52 cents) in Nambudalai Village group, Thiruvadanai Taluk, Ramnad District without obtaining any planning permission from Panchayat or statutory authority.

For Petitioner : Mr.S.Ramesh
For Respondents 1&2 : Mr.S.P.Maharajan
Special Government Pleader
For Respondents 3&4 : Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Lajapathi Roy Associates

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

The petitioner seeks for a direction to the official respondents to forbear the respondents 3 and 4 from putting up any unauthorized construction in the subject property bearing Sy.No.51/12 with an extent of 0.21.00 Ares (52 cents) in Nambudalai Village group, Thiruvadanai Taluk, Ramnad District, without obtaining any planning permission from Panchayat or statutory authority.

2.The learned Counsel for the petitioner would submit that the third and fourth respondents have not obtained any



permission from the second respondent Panchayat for construction of the building in the property in question and therefore seeks for the aforesaid prayer. He would further submit that at the time of admission of the present writ petition, an order of interim injunction was granted by this Court. Despite the order of injunction granted by this Court, the third and fourth respondents have proceeded with the construction and have completed the same.

3.While that being so, learned Senior Counsel for the third and fourth respondents would submit that the civil suit is pending and therefore, till such time, no further direction shall be issued for taking necessary action with regard to unauthorised construction.

4.We are of the view that the third and fourth respondents have not obtained permission from the competent authority. Therefore, the said building is illegal and unauthorised. Further, it is the allegation of the petitioner that despite the order of injunction by this Court, the third and fourth respondent have proceeded with the construction and have completed the same. Therefore, we direct the second respondent to take necessary action for removal of the said unauthorised construction as early as possible, preferably within a period of twelve [12] weeks from the



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date of receipt of a copy of this order, after providing opportunity to the parties concerned.

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5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
27.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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27.03.2024