



W.P.(MD) No.20817 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.20817 of 2013

Jeba Singh

... Petitioner

Vs.

- 1.The District Collector,,
Kanyakumari District,
- 2.The Block Development Officer,
Village Panchayat,
Munchirai Panchayat Union,
Pudukadai Psot, Kanyakumari District.
- 3.The President,
Kulappuram Panchayat,
Kulappurampost,
Kanyakumari District

4. Mariappan

... 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 2 & 3 to comply the order passed by the 1st respondent vide Na.Ka.No.A2/14/2012 dated 13.01.2012 and also direct the respondents 2 & 3 to demolish the illegal construction raised by the 4th respondent in Sy.No.42/14 C 3A Kulappuram Village , Kanyakumari District and consequently forbearing the 4th th respondent from conducting chicken slaughter business in Sy. No. 42/14 C 3A Kulappuram Village , Kanyakumari District.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.N.G.A.Nataraj,
Government Advocate for R1 to R3
Mr.M.Saravanakumar for R4

ORDER

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

The petitioner has filed this Writ Petition seeking for a Mandamus, directing the respondents 2 & 3 to comply the order passed by the 1st respondent vide Na.Ka.No.A2/14/2012 dated 13.01.2012 and also direct the respondents 2 & 3 to demolish the illegal construction raised by the 4th respondent in Sy.No. 42/14 C 3A Kulappuram Village, Kanyakumari District and consequently



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forbearing the 4th respondent from conducting chicken slaughter business in Sy.
No. 42/14 C 3A Kulappuram Village , Kanyakumari District.

2. According to the petitioner, the 4th respondent is running a chicken slaughtering shop, based on a forged license and he has also constructed a building in S.No.142/11 C3A of Kulappuram Village. A detailed enquiry was conducted regarding manipulation of license No.58, dated 12.05,2010, and a case has been registered against the 4th respondent in Crime No.329 of 2013, on the file of Kaliakkavilai Police Station under Sections 408, 420 and 471 IPC and another case has also been registered in Crime No.243 of 2013 for the offence under Sections 465 and 467 IPC. Thereafter no action was taken by the respondents for closure of the said shop and for removal of encroachment. Hence, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the fourth respondent has not produced any document to show that based on the valid license, the fourth respondent has run the shop.



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4. Under such circumstances, we are of the view that the fourth respondent did not possess any valid license to run the shop in the property in question. Hence, the fourth respondent is not entitled to run the shop in the property in question. Therefore, we direct the respondents 2 and 3 to take necessary action for removal of encroachment in the property in question by following the due process of law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

[D.K.K., J.] [M.S.K., J.]
08.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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