



W.P.(MD).No.1736 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.1736 of 2022
and
W.M.P.(MD).Nos.1535 and 1536 of 2022

G.N.Prabhakaran

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Tirunelveli.

2.The Commissioner,
Vickramasingapuram Municipality,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.3693/2021/F1 dated 07.01.2022 received on 21.01.2022 and quash the same as illegal and further direct the respondent herein to restore the building plan approval in 147/BL/2021/00044 dated 15.06.2021 in petitioner's name within a time stipulated by this Court.



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For Petitioner : Mr.D.Nallathambi
For R-1 : Mr.S.Shaji Bino
Special Government Pleader
For R-2 : Mr.H.Arumugam

ORDER

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

The present Writ Petition is filed challenging the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.3693/2021/F1 dated 07.01.2022, received on 21.01.2022 and further direct the respondent herein to restore the building plan approval in 147/BL/2021/00044 dated 15.06.2021 in the petitioner's name within a time stipulated by this Court.

2. On the ground that the petitioner had put up unauthorised construction in the encroached land, the planning permission obtained by the petitioner was cancelled through the impugned order dated 07.01.2022.

3. Incidentally, the petitioner herein had challenged the eviction proceedings initiated by the official respondents under Section 6 of the Tamil Nadu Land Encroachment Act in W.P.(MD).No.22009 of 2021, which came to be dismissed by this Court on 11.12.2024. Thus, when the construction is



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confirmed to have been put up in the encroached area, the revocation of the building plan permission cannot be faulted with and hence, no interference is required to the impugned order.

4. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

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

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