



W.P(MD)No.4820 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.4820 of 2023

Kasthuri @ Kasthuriammal

... Petitioner

VS.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Panchayats,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Thiruchendur Revenue Division,
Thiruchendur,
Thoothukudi District.
- 4.The Tahsildar,
Sathankulam Taluk,
Sathankulam,
Thoothukudi District.
- 5.The Block Development Officer (Village Panchayat),
Office of the Block Development Officer,
Alvarthirunagari Panchayat Union,
Thenthiruperai, Earal Taluk,
Thoothukudi District.

1/7



W.P(MD)No.4820 of 2023

WEB COPY

6.The President,
Venkateswarapuram Village Panchayat,
Sathankulam Taluk,
Thoothukudi District.

7.Amalraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 3 to 6 to remove the unauthorized construction made by the seventh respondent by violating the building plan approval in property situated at Old S.F.No.23 and New S.F.No.910/1 at Venkateswarapuram Village, Sathankulam Taluk, Thoothukudi District on the basis of the petitioner's representation dated 15.12.2022 and consequently, directing the third and fourth respondents to rectify the Natham Settlement Patta in Patta No.585 for an extent of (0.08.0 hectares) (ie.,) 20 cents instead of 18 cents in respect of above mentioned survey number in favour of the seventh respondent within the time frame fixed by this Court.

For Petitioner	: Mr.T.Vadivelan
For Respondent Nos.1 to 4	: Mr.T.Amjadkhan Government Advocate
For Respondent No.5	: Mr.S.P.Maharajan Special Government Pleader
For Respondent No.6	: No appearance
For Respondent No.7	: Mr.G.Prabhu Rajadurai



W.P(MD)No.4820 of 2023

WEB COPY

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 3 to 6 to remove the unauthorized construction made by the seventh respondent by violating the building plan approval in the property situated at Old S.F.No.23 and New S.F.No.910/1 at Venkateswarapuram Village, Sathankulam Taluk, Thoothukudi District on the basis of the petitioner's representation dated 15.12.2022 and consequently, directing the third and fourth respondents to rectify the Natham Settlement Patta in Patta No.585 for an extent of (0.08.0 hectares) (ie.,) 20 cents instead of 18 cents in respect of the above mentioned survey number in favour of the seventh respondent within the time frame fixed by this Court.

2.According to the petitioner, though the seventh respondent has purchased the landed property in the abovesaid survey number to an extent of 18 cents, he obtained forged documents by increasing the area in the subsequent document to 20 cents and obtained a patta. Based on the



W.P(MD)No.4820 of 2023

WEB COPY

said patta, the seventh respondent submitted an application before the authority concerned seeking approval for constructing a house. As such, the authority concerned has granted approval for constructing a house for only 17 cents, but the seventh respondent intended to construct more than 20 cents and violated the building plan approval of the authority concerned. In this regard, the petitioner made a representation to the official respondents on 15.12.2022. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the seventh respondent would submit that the said building was constructed in the year 1994, the petitioner was aware of the entire construction of the building and the seventh respondent has not carried out any renovation work in the building in question. Due to personal enmity between the petitioner's family members and the seventh respondent, the petitioner has filed the present Writ Petition.

4.Considering the facts and circumstances of the case, without going into the merits of the case, we direct the fifth respondent to consider the representation of the petitioner dated 15.12.2022 on its own merits and



W.P(MD)No.4820 of 2023

WEB COPY

in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Needless to state that if any unauthorized construction or any violation of the relevant rules are found, necessary action shall be taken for removal of the same in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
12.03.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.4820 of 2023

WEB COPY

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Panchayats,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Thiruchendur Revenue Division,
Thiruchendur,
Thoothukudi District.
- 4.The Tahsildar,
Sathankulam Taluk,
Sathankulam,
Thoothukudi District.
- 5.The Block Development Officer (Village Panchayat),
Office of the Block Development Officer,
Alvarthirunagari Panchayat Union,
Thenthiruperai, Earal Taluk,
Thoothukudi District.
- 6.The President,
Venkateswarapuram Village Panchayat,
Sathankulam Taluk,
Thoothukudi District.



WEB COPY



W.P(MD)No.4820 of 2023

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.4820 of 2023

DATED : 12.03.2024