



W.P.(MD) No.4569 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

**W.P.(MD) No.4569 of 2024
and
W.M.P.(MD) No.4406 of 2024**

T.Lakshmikanthan

... Petitioner

-VS-

- 1.The District Collector
Sivagangai District
Sivagangai
- 2.The Commissioner
Karaikudi Municipality
Karaikudi
- 3.The Director
Town and Country Planning
Anna Salai
Chennai
- 4.The Fit Person
Arulmighu Suyamprakasa Easwarar Temple
Iluppakudi Devasthanam
Iluppakudi Village
Karaikudi, Sivagangai District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to remove the unauthorized constructions made in Survey Nos.429/1 and 133/9, Soodamanipuram, Karaikudi Municipality, Sivagangai District, by considering the petitioner's representation dated 30.01.2024.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R3
Mr.D.Venkatesh, Standing Counsel, for R2
Mr.V.R.Shanmuganathan for R4

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.T.Veerakumar, learned counsel for the petitioner, Mr.P.Thilakkumar, learned Government Pleader, for the respondents 1 & 3, Mr.D.Venkatesh, learned Standing Counsel, for second respondent and Mr.VR.Shanmuganathan, learned counsel, for the fourth respondent.

2. Learned counsel for the petitioner submits that the fourth respondent possessed huge area of land. 8 Acres of land was unauthorizedly



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WEB COPY sold. Unauthorized constructions are made on OSR land also. No steps are taken for removal of encroachments, though earlier orders were passed by this Court. Reference is made to the order dated 30.10.2023, passed in W.P.(MD) No.10034 of 2009 with connected writ petitions.

3. According to the learned counsel for the petitioner, subsequent to the said order, the petitioner could get an information under the Right to Information Act, 2005, from the second respondent that there are about 170 encroachments and unauthorized constructions and taxes have been levied for the unauthorized constructions.

4. Learned counsel for the petitioner submits that unauthorized constructions are not removed.

5. This Court would not pass the same order again and again. The order is already passed by the Division Bench of this Court in W.P.(MD) No. 10034 of 2009 with connected writ petitions on 30.10.2023 laying down the steps to be undertaken for survey and demarcation of illegal and unauthorized constructions. Directions are given to the Hindu Religious and Charitable Endowments Department to initiate appropriate action. So also, the Court



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has cautioned that the order shall be complied with within the time limit as stipulated by the Court and in the event of failure, further action is to be initiated, since several orders have been passed by this Court to demolish unauthorized constructions and to remove encroachments.

6. When the said order is already in force, there is no necessity to pass another order of the same nature. If the order passed by this Court is not complied with, the petitioner has a better remedy available with him. He can adopt the said remedy.

7. Writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[P.D.B., J.]

28.02.2024

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

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Sivagangai District,
Sivagangai.
- 2.The Director,
Town and Country Planning,
Anna Salai,
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THE HONOURABLE CHIEF JUSTICE
and
P.DHANABAL, J.

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