



W.P(MD)No.4234 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

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

W.P(MD)No.4234 of 2020

P.S.Abdul Rahman

... Petitioner

vs.

1. The Commissioner of Municipal,
Administration And, Water Supply Department,
Ezhillagam, 6th Floor,
Annex Building,
P.W.D. Estate, Chepauk,
Triplicane,
Chennai-600 005.
- 2 The District Collector,
Sivagangai,
Sivagangai District.
- 3 The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.
- 4 The Tahsildar,
Karaikudi Taluk Office,
Karaikudi, Sivagangai District.
- 5 Sujinthamary

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to take appropriate action against the 5th respondent herein for the removal of the unauthorized construction put up in Town Survey Ward No.



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16 TS.No.427P, Pappoorani South, Senjai Pallivasal, Karaikudi, Sivagangai District, based on the petitioner's representation, dated 14.2.2020 and 23.2.2020 respectively within a stipulated time.

For Petitioner	: Mr.A.Saravanan
For R-1, R-2 & R-4	: Mr.S.P.Maharajan, Special Government Pleader
For R-3	: Mr.D.Venkatesh
For R-5	: Mr.S.Vijayakumar

ORDER

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

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein, to take appropriate action against the 5th respondent herein for removal of the unauthorized construction put up in Town Survey Ward No.16 TS.No.427P, Pappoorani South, Senjai Pallivasal, Karaikudi, Sivagangai District, based on the petitioner's representation, dated 14.2.2020 and 23.2.2020 respectively within a stipulated time.

2. The learned counsel appearing for the third respondent Municipality as well as the fifth respondent, have strongly objected the allegation raised by the petitioner that the fifth respondent has put up unauthorized construction in the petition mentioned place. According to them, the property in question is a private property of the fifth respondent.



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3. It is seen that there is no material produced by the petitioner to show that the construction has been put up by the fifth respondent unauthorizedly. In the absence of any material to prove the unauthorized construction, the contention of the petitioner is improper and without any basis. Therefore, we are not inclined to entertain this writ petition and we are of the view to impose heavy costs on the petitioner.

4. At this juncture, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this writ petition and he has also made an endorsement to that effect.

5. In view of the same, this writ petition is dismissed as withdrawn.
No Costs.

[D.K.K.,J.] [R.V.,J.]
25.03.2024

NCC : Yes / No
Index : Yes / No
PM



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

PM

ORDER MADE IN
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