



W.P(MD)No.6176 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

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

W.P(MD)No.6176 of 2023

and

W.M.P(MD)Nos.5888, 7720 and 24029 of 2023

M.Inbasekaran

... Petitioner

vs.

1.The District Collector,
O/o.the District Collector,
Kanyakumari District,
Kanyakumari.

2.(R2 is dismissed vide Court order dated 21.03.2023 in
W.P(MD)No.6176 of 2023 by RSMJ & LVGJ)

3.Member Secretary,
Nagercoil Local Planning Authority,
Collector Campus,
Nagercoil – 629001.

4.C.Arul Thiagarajan

... 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 3 to initiate appropriate legal action forbearing the 4th respondent from putting up the unauthorized and illegal construction without building plan approval in bearing Door No.198 comprised in Re. Survey No.E11/13-5 (old survey No.1274), Agasteeswaram Taluk, Nagercoil Village, Nagercoil Corporation, Kanyakumari and to demolish the unauthorized construction that has already been put up by the 4th respondent based on the representation given by the petitioner dated 23.01.2023.



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For Petitioner	: Mr.S.Kadarkarai
For R-1	: Mr.T.Amjad Khan, Government Advocate
For R-3	: Mr.F.Deepak
For R-4	: Mr.R.J.Karthick

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 3, to initiate appropriate legal action forbearing the 4th respondent from putting up any unauthorized and illegal construction without building plan approval in Door No.198 comprised in Re. Survey No.E11/13-5 (old survey No.1274), Agasteeswaram Taluk, Nagercoil Village, Nagercoil Corporation, Kanyakumari and to demolish the unauthorized construction that has already been put up by the 4th respondent based on the representation given by the petitioner, dated 23.01.2023.

2. When the writ petition is taken up for hearing today, the learned counsel appearing for the Local Planning Authority, would submit that the fourth respondent has made construction at the rear end of the building in question and for that, necessary action has been taken and penalty was also imposed.



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3. The learned counsel appearing for the fourth respondent, has produced a photograph before this Court and would submit that the fourth respondent will not carry out any construction activities in the subject building.

4. In the light of the said submission, no further order is required in this writ petition. Hence, this writ petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
13.03.2024

NCC : Yes / No
Index : Yes / No
PM

To:

The District Collector,
O/o.the District Collector,
Kanyakumari District,
Kanyakumari.



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

PM

ORDER MADE IN
W.P(MD)No.6176 of 2023

DATED : 13.03.2024