



W.P(MD)No.7883 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2024

CORAM:

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

**W.P(MD)No.7883 of 2020
and
W.M.P(MD)No.7344 of 2020**

S.Thangam

... Petitioner

vs.

1.The Kulasekarapuram Village Panchayat,
Kanyakumari District,
Represented by
The President cum Executive Authority.

2.The Assistant Director of Village Panchayats,
District Collector Office Campus,
Nagercoil,
Kanyakumari District.

3.The Block Development Officer(Village Panchayat),
Perumalpuram,
Kottaram & Post,
Kanyakumari District.

4.O.Sudalaiyandi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records related to the impugned proceedings of the President cum Executive Authority of Kulasekarapuram Village Panchayat in No.01/2020 dated 13.02.2020 and quash the same and the undated communication of the said authority and issue a consequential direction to the respondents to grant approval to the site and permission to execute the building work, as requested by the petitioner vide application dated 18.02.2020.



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For Petitioner : Mr.N.Dilip Kumar
For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate

ORDER

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

The petitioner has filed this writ petition challenging the impugned proceedings of the President-cum-Executive Authority of Kulasekarapuram Village Panchayat in No.01/2020, dated 13.02.2020 and to issue a consequential direction to the respondents to grant approval to the site and permission to execute the building work, as requested by the petitioner vide application, dated 18.02.2020.

2. The learned Government Advocate appearing for the respondents 1 and 2, would submit that the impugned order has been passed by the President of Kulasekarapuram Village Panchayat informing that the petitioner has to seek necessary permission from the Block Development Officer and failing which, necessary action will be taken for the unauthorized construction. The said order is under challenge in this writ petition.

3. In view of the said submission, the petitioner is directed to make an application before the third respondent Block Development Officer, within a



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period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the third respondent is directed to consider the same and pass appropriate orders after providing opportunity to all the parties concerned, within a period of eight weeks thereafter. Subsequently, based on the order passed by the third respondent – Block Development Officer, the application of the petitioner shall be considered by the first respondent, on merits and in accordance with law.

4. With the above directions, this writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
27.03.2024

NCC : Yes / No

Index : Yes / No

PM

To:

- 1.The President cum Executive Authority,
The Kulasekarapuram Village Panchayat,
Kanyakumari District,
- 2.The Assistant Director of Village Panchayats,
District Collector Office Campus,
Nagercoil,
Kanyakumari District.
- 3.The Block Development Officer(Village Panchayat),
Perumalpuram,
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Kanyakumari District.



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

PM

ORDER MADE IN
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