



W.P(MD)No.8671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8671 of 2024

and

W.M.P.(MD)Nos. 7917, 10531 & 9154 of 2024

1.K.Muthukumar

2.K.Elangovan

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Melur at Narasingampatti,
Madurai.

2.The Inspector of Police,
M.Chithirappatti Police Station,
Madurai.

3.Kennadi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No. 6863/2023/A4 dated 01.04.2024 and quash the same.

For Petitioners : Mr.H.Arumugam

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1



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W.P(MD)No.8671 of 2024

: Mr.A.Albert James
Government Advocate (Crl.side) for R2

: Mr.K.Guruchev for R3

ORDER

Heard both sides.

2. The scope of the writ petition is very limited. I do not propose to enter into the merits of the matter of the rival claims. The RDO, Melur passed order dated 01.04.2024 calling upon the Inspector of Police, Chithirappatti to ensure that no further construction of work takes place in the disputed site. I fail to understand under what provision of law such communication came to be issued. If the parties engage in illegal or unlawful construction, then remedy is to go before the planning authority concerned to get the stop work notice. Even an illegal construction can be demolished. Instead of doing so, the RDO, Melur has been approached and RDO has instructed the jurisdictional police to interfere in the matter. The impugned communication is patently without jurisdiction. It is illegal. It is set aside. I make it clear that I have not gone into the merits of the matter.



W.P(MD)No.8671 of 2024

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3.The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2024

Index : Yes / No

Internet : Yes/ No

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To

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Melur at Narasingampatti,
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W.P(MD)No.8671 of 2024

G.R.SWAMINATHAN, J.

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