



W.P(MD)No.9418 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

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

**W.P(MD)No.9418 of 2021
and
W.M.P(MD)No.7142 of 2021**

Raja Micheal

... Petitioner

VS.

1.The Commissioner,
The Panchayath Union Office,
Radhapuram,
Radhapuram Taluk,
Tirunelveli District.

2.Joseph
3.Cedric

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to take proceedings against respondents 2 and 3 and to demolish the unauthorized structures put up by the respondents 2 and 3 in Survey No.722/1 in Urumankulam Village and for other appropriate relief.



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For Petitioner : Mr.A.Arumugam
For Respondent No.1 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent Nos.2 & 3 : No appearance

ORDER

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

Prayer in this Writ Petition is to direct the first respondent to initiate appropriate proceedings against the respondents 2 and 3 and to demolish the unauthorized structures put up by the respondents 2 and 3 in Survey No.722/1 in Urumankulam Village and for other appropriate relief.

2.According to the petitioner, the respondents 2 and 3 are constructing a building without obtaining necessary permission from the authority concerned. Ventilating the same, the petitioner submitted a representation dated 22.04.2021 to the first respondent. However, no fruitful action was taken by the first respondent based on the petitioner's representation. Hence, the petitioner has filed the present Writ Petition.



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3.The learned Special Government Pleader appearing for the first respondent, on instructions, submits that if the construction made by the respondents 2 and 3 is found to be an unauthorized construction, the authority concerned will take necessary action for removal of the same in accordance with law.

4.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, we direct the first respondent to consider the representation of the petitioner dated 22.04.2021, and pass appropriate orders on merits and in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

5.To be noted, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government Order. The first respondent shall file an action taken report before the



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Monitoring Committee for removal of the unauthorized construction made by the respondents 2 and 3.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
18.03.2024

NCC : Yes / No
Index : Yes / No
ps

To

The Commissioner,
The Panchayath Union Office,
Radhapuram,
Radhapuram Taluk,
Tirunelveli District.



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

ps

ORDER MADE IN
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DATED : 18.03.2024