



W.P(MD)No.11269 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.11269 of 2020**

**and**

**W.M.P(MD)No.9842 of 2020**

- 1.N.Ranganayagi
- 2.Shanthi
- 3.A.N.Indira
- 4.N.Muthaiah
- 5.N.Alagappan
- 6.N.Veerapan

... Petitioners

vs.

- 1.The Inspector of Panchayat and  
District Collector, Sivagangai District.
- 2.Block Development Officer,  
Kallal Union,  
Sivagangai District.
- 3.President/Executive Authority,  
Managiri-Sukkanenthal Panchayat,  
Kallal Union,  
Sivagangai District.
- 4.S.Gandhi
- 5.G.vadivelan
- 6.G.Saravanan

... 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 herein to initiate appropriate proceedings as against the respondents 4 to 6 herein for carrying on illegal and unauthorized constructions at



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S.No.120/1, Managiri-Sukkanendal Village, Karaikudi Taluk, Sivagangai District, without approval from the third respondent herein as per the provisions of the Tamil Nadu Panchayats Building Rules, 1997 or under any other provisions of law and within such time as may be prescribed by this Court.

|                 |                                                   |
|-----------------|---------------------------------------------------|
| For Petitioners | : Mr.N.Damodaran                                  |
| For R-1 to R-3  | : Mr.S.P.Maharajan,<br>Special Government Pleader |
| For R-5 & R-6   | : Mr.S.Sarvagan Prabhu                            |

### **ORDER**

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

The petitioners have filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein, to initiate appropriate proceedings as against the respondents 4 to 6 herein for carrying on illegal and unauthorized constructions at S.No.120/1, Managiri-Sukkanendal Village, Karaikudi Taluk, Sivagangai District, without approval from the third respondent herein as per the provisions of the Tamil Nadu Panchayats Building Rules, 1997.

2. According to the petitioners, they have made a representation to the authorities seeking to take action for removal of unauthorized construction put up by the respondents 4 to 6. Since no action has been taken by the authorities, the petitioners made an application under the Right to



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Information Act, 2005. In response, the third respondent- President of the Panchayat informed that for the building in question, no permission has been obtained and therefore, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned Special Government Pleader appearing for the official respondents would submit that necessary action will be taken for removal of such unauthorized construction put up by the respondents 4 to 6.

4. Therefore, we direct the third respondent/Municipality to take necessary action for the demolition of the building by following the procedure as stated in ***M.Rahamathunisha and others Vs. Commissioner, Greater Chennai Corporation, Chennai and another reported in 2022 (6) CTC 145.***

5. Further, 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. As per the said Government Order, the Committee shall monitor the unauthorized construction of buildings within the jurisdiction limit and take action.



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6. Therefore, we direct the third respondent-Municipality to take necessary action for removal of unauthorized construction put up by the respondents 4 to 6, after providing opportunity to all the parties concerned and file a report before the High Level Monitoring Committee, within a period of twelve weeks from the date of receipt of a copy of this order.

7. We make it clear that, if any permission is granted by the authorities, it is for the respondents 4 to 6, to place the same before authorities concerned while taking action for removal of unauthorized construction.

8. 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.]**  
**25.03.2024**

NCC : Yes / No  
Index : Yes / No  
PM



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To

WEB COPY

- 1.The Inspector of Panchayat and  
District Collector, Sivagangai District.
- 2.Block Development Officer,  
Kallal Union, Sivagangai District.
- 3.President/Executive Authority,  
Managiri-Sukkanenthal Panchayat, Kallal Union,  
Sivagangai District.
4. The Chairperson,  
High Level Monitoring Committee,  
Virudhunagar District.



WEB COPY



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

PM

**ORDER MADE IN**  
**W.P(MD)No.11269 of 2020**

**DATED : 25.03.2024**