



W.P(MD)No.11655 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED :20.03.2024**

**CORAM:**

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

**W.P(MD)No.11655 of 2019**

**and**

**W.M.P(MD)Nos.8868 and 8869 of 2019**

Dr.Sankar Pandian, B.D.S.,

... Petitioner

vs.

1.Kaliyakavillai Town Panchayat,  
Represented by the Executive Officer,  
Kaliyakavillai,  
Kanyakumari District.

2.Mrs.Shanmuga Vadivu

3.P.Kumari Ajitha

4.Padmanabha Pillai

... 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 forbear the respondents 2 to 4 from putting up any unauthorised construction in re-survey No.245/12, Kaithakuzhi Purayidom, Meenachal Village, Vilavancode Taluk, Kanniyakumari District by strictly enforcing the order issued by the first respondent, dated 25.03.2019 in Na.Ka.No. 92/2019/A1 and take necessary action against the unauthorised constructions.

For Petitioner

: Mr.N.Dilip Kumar

For R-1

: Mr.T.Amjad Khan,  
Government Advocate

For R-2 to R-4

: Mr.K.Sreekumaran Nair



W.P(MD)No.11655 of 2019

**ORDER**

**WEB COPY (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 first respondent to forbear the respondents 2 to 4 from putting up any unauthorised construction in re-survey No.245/12, Kaithakuzhi Purayidom, Meenachal Village, Vilavancode Taluk, Kanniyakumari District by strictly enforcing the order issued by the first respondent, dated 25.03.2019 in Na.Ka.No.92/2019/A1 and take necessary action against the unauthorised constructions.

2. When the writ petition is taken up for hearing today, the learned Government Advocate, on instructions, would submit that already stop work notice has been issued by the first respondent and therefore, the respondents 2 to 4, cannot proceed further for the construction of the building in question.

3. According to the respondents 2 to 4, application has been submitted before the authority concerned for approval of the building in question and the same is pending.

4. We have heard the learned counsel appearing on either side and perused the materials placed before us.



W.P(MD)No.11655 of 2019

WEB COPY

5. It is seen that the respondents 2 to 4, have not obtained any planning permission from the authority concerned and therefore, the construction put up by the respondents 2 to 4, is an unauthorized construction.

6. In such circumstances, we direct the first respondent to take necessary action for removal of the unauthorized construction put up by the respondents 2 to 4, as per law, after providing opportunity to the private respondents, if they have not obtained any approval from the authority concerned. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

**[D.K.K.,J.] [R.V.,J.]**  
**20.03.2024**

NCC : Yes / No  
Index : Yes / No  
PM



W.P(MD)No.11655 of 2019

WEB COPY

To:

The Executive Officer,  
Kaliyakavillai Town Panchayat,  
Kaliyakavillai,  
Kanyakumari District.



WEB COPY



W.P(MD)No.11655 of 2019

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

PM

**ORDER MADE IN**  
**W.P(MD)No.11655 of 2019**

**DATED :20.03.2024**