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W.P.(MD) No.12109 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

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

**W.P.(MD) No.12109 of 2021
and
W.M.P.(MD) No.9511 of 2021**

P.Selvam

... Petitioner

-VS-

- 1.The District Collector
District Collectorate
Nagercoil, Kanyakumari District
- 2.The Superintendent of Police
O/o.The Superintendent of Police
Nagercoil, Kanyakumari District
- 3.The Anjugramam Town Panchayat
rep.by its Executive Officer
Anjugramam
Agastheeswaram Taluk
Kanyakumari District-629 401



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4.The Inspector of Police
Anjugramam Police Station
Anjugramam
Agastheeswaram Taluk
Kanyakumari District-629 401

5.Annam Vadivoo

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to forbear the fifth respondent from putting up unauthorized construction in Survey No.1123/14, Anjugramam Village, Agastheeswaram Taluk, Kanyakumari District, without obtaining any building permission from the third respondent and without providing open space as mandated under Rule 6 of the Tamil Nadu Panchayats Building Rules, 1997, within the time stipulated by this Court.

For Petitioner : Mr.P.Vetrivel
for Mr.T.Lajapathi Roy

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R3
Mr.S.S.Madhavan
Government Advocate (Crl.Side) for R2 & R4
Mr.G.Thalamutharasu for R5



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the third respondent to forbear the fifth respondent from putting up unauthorized construction in Survey No.1123/14 of Anjugramam Village, Agastheeswaram Taluk, Kanyakumari District, without obtaining any building permission from the third respondent and without providing open space as mandated under Rule 6 of the Tamil Nadu Panchayats Building Rules, 1997, within the time stipulated by this Court.

2. According to the petitioner, the fifth respondent is putting up construction, without obtaining any permission from the authority concerned and without providing setback or open space area as contemplated under Rule 6 of the Tami Nadu Panchayat Buildings Rules, 1997. Ventilating the same, the petitioner submitted a representation dated 12.07.2021 to the official respondents. However, thereafter no action has been taken based on the petitioner's representation. Hence, this writ petition.



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3. Learned Government Advocate appearing for the respondents 1 & 3, on instructions, submits that the fifth respondent has to obtain necessary permission from the Coastal Regulation Zone Authority for construction of the building in the subject land. However, he has not obtained any such permission from the said authority.

4. Taking into consideration the fact that the fifth respondent has not obtained any permission from the Coastal Regulation Zone Authority and the same is in violation of the Building Rules, we direct the third respondent to take necessary action for removal of unauthorized construction 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 third respondent shall file an action taken report before the



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Monitoring Committee for removal of the unauthorized construction made by the fifth respondent.

6. With the above direction, this writ petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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- 1.The District Collector,
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- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
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and
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