



W.P.(MD) No.13298 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.13298 of 2021

S.Shankar

... Petitioner

-Vs-

1.The Deputy Director of Town and
Country Planning,
Directorate of Town and Country Planning,
Sivagangai Region,
430, Gandhi Veethi, Sivagangai-630561.

2.The Executive Officer,
Aranmanai Siruvayal Panchayat,
Kallal Vali, Kallal Union,
Sivagangai District.

3.A.Mohammed Ali Jinnah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take enforcement action against the illegal construction erected in Survey No.39/3, Aranmanai Siruvayal Village, Sivagangai District by considering the representation of the petitioner dated 25.09.2020.



W.P.(MD) No.13298 of 2021

For Petitioner : Mr.Prem Ayyathurai
For R1 & R2 : Mr.S.P.Maharajan,
Special Government Pleader
For R3 : Mr.D.S.Haroon Rashid

ORDER

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

This Writ Petition is filed, seeking for a direction to the 1st respondent to take enforcement action against the illegal construction erected in Survey No.39/3, Aranmanai Siruvayal Village, Sivagangai District, by considering the representation of the petitioner dated 25.09.2020.

2.The learned counsel appearing for the petitioner submitted that the 3rd respondent has constructed a compound wall encircling the graveyard in the petition mentioned place without obtaining any prior permission.

3.When the matter was taken up for hearing on 25.03.2024, the learned counsel for the 3rd respondent submitted that the subject graveyard belongs to a Pallivasal and the 3rd respondent has constructed the compound wall in the interest of public only and he is not claiming any right over the compound wall. To that extent, the learned Special Government Pleader for the respondents 1 and 2



W.P.(MD) No.13298 of 2021

sought time to get instructions. Therefore, the matter was directed to be posted today (27.03.2024) under the caption 'for orders'.

4.Today, when the matter is taken up for hearing, the learned Special Government Pleader for the respondents 1 and 2 submitted that there is no necessity for getting permission from the Panchayat.

5.Recording the said submission made by the learned Special Government Pleader, this Writ Petition stands dismissed. No costs.

[D.K.K., J.] & [R.V., J.]
27.03.2024

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

To

1.The Deputy Director of Town and
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Directorate of Town and Country Planning,
Sivagangai Region,
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Page 3 of 4



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W.P.(MD) No.13298 of 2021

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Yuva

W.P.(MD)No.13298 of 2021

27.03.2024