



W.P(MD)No.11691 of 2023

WEB COPY 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.11691 of 2023
and
W.M.P(MD)No.10156 of 2023

M.Selvaraj

... Petitioner

vs.

- 1 The Assistant Director (Panchayats)
District Collectorate,
Kanyakumari District at Nagercoil.
- 2 The Executive Officer
Mulagumoodu Town Panchayat,
Mulagumoodu,
Kanyakumari District.
- 3 Justin Raj

... 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 & 2 to stop the unauthorized construction put up by the 3rd respondent at the property comprised in Survey No.13/8 of Mulagumoodu Village previously Thiruvithancode Village based on the communication of the 1st respondent dated 15.03.2023, within a time frame that may fixed by this Honourable Court.



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For Petitioner : Mr.S.C.Herold Singh
For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate
For R-3 : Mr.M.P.Senthil

ORDER

(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 respondents 1 & 2 to stop the unauthorized construction put up by the 3rd respondent in the property comprised in Survey No.13/8 of Mulagumoodu Village previously Thiruvithancode Village based on the communication of the 1st respondent, dated 15.03.2023.

2. When the writ petition is taken up for hearing today, the learned counsel appearing for the third respondent would submit that there is a dispute between the petitioner and the third respondent and the same is pending before the civil Court in O.S.No.47 of 2023 on the file of the Principal District Munsif at Padmanabapuram. Therefore, the third respondent has now stopped the further construction in the aforesaid property in question. The learned counsel would further submit that the third respondent will not



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carry out any construction of the building unauthorizedly without getting prior permission from the authority concerned.

3. Recording the said undertaking, the writ petition stands disposed of.
No Costs. Consequently, connected Miscellaneous Petition is closed.

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

13.03.2024

NCC : Yes / No
Index : Yes / No
PM

To:

- 1 The Assistant Director (Panchayats)
District Collectorate,
Kanyakumari District at Nagercoil.
- 2 The Executive Officer
Mulagumoodu Town Panchayat,
Mulagumoodu,
Kanyakumari District.



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

PM

ORDER MADE IN
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