



W.P(MD)No.11814 of 2023

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.11814 of 2023
and
W.M.P(MD)No.10214 of 2023**

E.Mohammed Mytheen

... Petitioner

vs.

1 The Executive Officer,
Kaliakavilai Town Panchayat, Kaliakavilai,
Padanthalumoodu Post, Kanyakumari District.

2 The Inspector of Police,
Kaliyakavilai Police Station,
Kaliyakavilai Post,
Kanyakumari District.

3 Mohammed Iqbal

4 Vimala

5 Sujin

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to implement and enforce his order forthwith under the proceedings bearing number Na.Ka.No.626/2022/A1, dated 10.02.2023 with the help of the 2nd respondent as against the respondents 4 and 5, to stop all further illegal construction in S.No.234/8, Kaliyakavilai Village, Kaliyakavilai town Panchayat, Kanyakumari District.

For Petitioner

For R-1

: Mr.M.Ponniah

: Mr.T.Amjad Khan,

Government Advocate



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For R-2 : Mr.S.S.Madhavan,
Government Advocate(Crl. Side)
For R-3 : No Appearance
For R-4 & R-5 : Mr.S.C.Herold Singh

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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 1st respondent to implement and enforce his order forthwith under the proceedings bearing number Na.Ka.No. 626/2022/A1, dated 10.02.2023 with the help of the 2nd respondent as against the respondents 4 and 5, to stop all further illegal construction in S.No.234/8, Kaliyakavilai Village, Kaliyakavilai Town Panchayat, Kanyakumari District.

2. When the matter is taken up for hearing today, the learned counsel appearing for the respondents 4 and 5, would submit that the respondents 4 and 5, have stopped the further construction in the aforesaid building in question pursuant to the communication of the first respondent. The learned counsel further undertakes that the respondents 4 and 5 will not carry out any illegal construction without getting permission from the authority concerned.



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3. The learned counsel for the respondents 4 and 5 would further submit that the respondents 4 and 5 have made an application for the revised plan for the aforesaid building and therefore, he seeks time for getting approval from the competent authority.

4. In view of the said submission, we are granting six months time to the respondents 4 and 5, for getting revised building plan approval from the authority concerned, failing which, the first respondent is directed to take necessary action for the removal of unauthorized construction in the aforesaid building in question, on merits and in accordance with law, without any further delay.

5. With the above directions, 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



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To:

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- 2 The Inspector of Police,
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

PM

ORDER MADE IN
W.P(MD)No.11814 of 2023

DATED : 13.03.2024