



W.P(MD)No.12788 of 2024

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

WEB COPY

**DATED : 18.06.2024**

**CORAM :**

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE  
and  
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.12788 of 2024  
and  
WMP(MD)Nos.11371 and 11372 of 2024**

A.Thomas Kirubaharan

... Petitioner

vs.

1. The District Collector,  
Collectorate, Korampallam,  
Thoothukudi District,  
Thoothukudi.

2. The Assistant Director of Panchayat,  
O/o.AD Panchayat,  
Collectorate, Kokirakulam,  
Tirunelveli,  
Tirunelveli District.

3. The Revenue Divisional Officer,  
O/o. RDO, Tiruchendur,  
Thoothukudi District.

4. The Executive Officer,  
Nazareth Selection Grade Panchyat,  
Nazareth, Thoothukudi District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertain to the impugned memo in Na.Ka.702/2023 dated



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30.05.2024 passed by the 4<sup>th</sup> respondent from disturbing the construction of the house as due building construction approval was already obtained.

For Petitioner : Mr.V.Rajiv Rufus  
For R1 to R3 : Mr.N.Satheesh Kumar  
Additional Government Pleader

**ORDER**

**R.MAHADEVAN, A.C.J.**  
**AND**  
**G.R.SWAMINATHAN, J.**

Heard both sides.

2. The petitioner had obtained building permission from the local body. While so, vide communication dated 30.05.2024, the 4<sup>th</sup> respondent had called upon the petitioner to stop further construction. A complaint was received from one Juliet that the petitioner has committed encroachment. Though the impugned letter had peremptorily directed the petitioner to stop work, a careful reading of the same would indicate that it is only a show cause notice. The local body wants to conduct survey and find out whether the said allegation is well founded.

3. We are of the view that interference is not warranted at this



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stage. We dispose of this writ petition by directing the 4<sup>th</sup> respondent to hear the petitioner in person. The petitioner through his counsel states that he will furnish his detailed explanation within seven days from the date of receipt of a copy of this order. The respondents will complete the survey exercise and pass final order by taking into account the petitioner's explanation. This shall be done by the 4<sup>th</sup> respondent within a period of two weeks from the date of receipt of the petitioner's explanation. We make it clear we have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petitions are closed.

**[R.M.D., A.C.J.] & [G.R.S., J.]**  
**18.06.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
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