



WEB COPY

W.P.(MD) No.13465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

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

W.P.(MD) No.13465 of 2023

and

W.M.P.(MD) No.11349 of 2023

Atchiyammal

... Petitioner

-vs-

1.The District Collector
Madurai District

2.The Block Development Officer
Usilampatty Panchayat Union
Usilampatty, Madurai

3.The President-cum-Executive Officer
Seemanoothu Village Panchayat
Usilampatty Panchayat Union
Madurai

4.Mayandi Thevar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take necessary action against unauthorized construction put up by the fourth respondent in S.F.No. 211/3K, situated in Seemanthu Village, Usilampatti, Madurai, without obtaining any permission as required under Tamilnadu Panchayat Building Rules, 1997.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R3
Mr.J.Jeyakumaran for R4

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 3 to take necessary action against unauthorized construction put up by the fourth respondent in S.F.No.211/3K, situated in Seemanthu Village, Usilampatti, Madurai, without obtaining any permission as required under Tamilnadu Panchayat Building Rules, 1997.



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2. According to the petitioner, the fourth respondent is putting up a construction by encroaching upon her property, without obtaining any permission from the authority concerned. Seeking to stop the said construction, the petitioner sent a representation to the respondents 1 to 3. Since the same has not been considered and it is pending consideration before the respondents, the petitioner has filed this writ petition.

3. Learned counsel appearing for the fourth respondent, on instructions, submitted that the fourth respondent is renovating the existing building belonging to him, which was constructed in the year 1979 and he is not making any additional construction in the building and therefore, no permission is required for such renovation work.

4. We are not inclined to decide the above factual disputes between the parties. Therefore, without going into the merits of the matter, we direct the respondents 2 and 3 to consider the petitioner's representation, dated 08.05.2023 and pass orders on merits and 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.



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

[D.K.K., J.]

[R.V., J.]

07.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

- 1.The District Collector,
Madurai District.
- 2.The Block Development Officer,
Usilampatty Panchayat Union,
Usilampatty, Madurai.
- 3.The President-cum-Executive Officer,
Seemanoothu Village Panchayat,
Usilampatty Panchayat Union,
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