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W.P.(MD) No.16984 of 2020

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.16984 of 2020

R.Chinthathirai Arockiam Selvin

... Petitioner

-vs-

- 1.The District Collector
Thoothukudi District
Korampallam
Thoothukudi-628 101
- 2.The Superintendent of Police
Thoothukudi District
Korampallam
Thoothukudi-628 101
- 3.The Commissioner
Thoothukudi Municipal Corporation
Thoothukudi-628 002
- 4.T.Soma Sundara Mohan
Head Writer
Chief Judicial Magistrate
Thoothukudi District Court Campus
Thoothukudi-628 003



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5. Deputy Superintendent of Police
Vigilance and Anti-Corruption Department
Thoothukudi-Tirunelveli Highway
Maravanmadam, Thoothukudi-628 101
6. The Inspector of Police
North Police Station
Thoothukudi-628 001
7. The Town Planning Officer
Thoothukudi Municipal Corporation
Thoothukudi-628 002
8. The Settlement Tahsildar
Sub Collector's Office
Beach Road, Thoothukudi-628 001
9. Cremoline Gomez
10. The Manager
HDFC (Housing Finance)
Mangal Mahal
Opposite to Rajaji Park Water Tank
Palayamkottai Road
Thoothukudi-628 003

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2, 3, 6 to 8 to remove all the encroachments by demolishing the ongoing illegal construction of the ninth respondent herein without plan and approval within a time stipulated by this Court near the petitioner's house 195A, 195B & 195B/1 in T.S.Nos.1741/1B2, 1B3 & 1B4 situated at Thoothukudi Corporation, Taluk and District.



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For Petitioner : No appearance

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R6
Mr.N.Anandakumar for R7

ORDER

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

Prayer in this writ petition is to direct the respondents 2, 3, 6 to 8 to remove all the encroachments by demolishing the ongoing illegal construction made by the ninth respondent without plan and approval, in T.S.Nos.1741/1B2, 1B3 & 1B4, Thoothukudi Corporation, Taluk and District, within a time stipulated by this Court.

2. According to the petitioner, the ninth respondent has made construction unauthorizedly and without obtaining permission from the competent authority.

3. Learned Government Advocate appearing for the respondents 1 to 6, on instructions, submitted that on 06.07.2020, the premises has been locked and sealed and the encroachment on the Corporation road has been removed.



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4. Taking into consideration the facts and circumstances of the case, the official respondents are directed to take necessary action for removal of unauthorized construction made by the ninth respondent in the subject property in accordance with law, after providing due opportunity to the parties concerned, at the earliest.

5. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

07.03.2024

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

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To:

1.The District Collector,
Thoothukudi District,
Korampallam,
Thoothukudi-628 101.

2.The Superintendent of Police,
Thoothukudi District,
Korampallam,
Thoothukudi-628 101.



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- 3.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi-628 002.
- 4.Mr.T.Soma Sundara Mohan,
Head Writer,
Chief Judicial Magistrate,
Thoothukudi District Court Campus,
Thoothukudi-628 003.
- 5.Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Thoothukudi-Tirunelveli Highway,
Maravanmadam, Thoothukudi-628 101.
- 6.The Inspector of Police,
North Police Station,
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