



W.P.(MD) No.18613 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.18613 of 2019

and

W.M.P.(MD)No.14985 of 2019

M.M.Meera Sahib

... Petitioner

-Vs-

1.The District Collector,
Tuticorin District.

2.The Commissioner,
Kayalpattinam Municipality,
Kayalpattinam-628 204,
Tuticorin District.

3.The Assistant Commissioner of Police,
Thiruchendur Range, Tuticorin District.

4.Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffarsarang St.Seethakathi Nagar,
George Town, Chennai, Tamil Nadu-600 001.

5.Waqf Superintendent,
Madurai Zone & Tirunelveli Zone (I/C),
Office of Waqf Superintendent ,
Kadhar Ayuliya Pallivasal Commercial Complex,
Kulavanikarpuram, Palayamkottai, Tirunelveli.



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6.Khader Sahib Maraikayar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to implement the order dated 09.07.2019 for demolition of unauthorized construction in Appa Pallivasal, Resurvey No.779/1 at Appa Pallivasal Street, Ward No.9, Kayalpattinam Municipality, Tuticorin District under Sections 216(3), 339, 310 of Tamil Nadu District Municipality Act.

For Petitioner : Mr.C.Jeganathan,
for M/s.Veera Associates
For R1 & R3 : Mr.T.Amjadkhan, Government Advocate
For R2 : Mr.M.Rajarajan
For R4 & R5 : Mr.K.K.Senthil, Standing Counsel

ORDER

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

This Writ Petition is filed seeking for a direction to the 2nd respondent to implement the order dated 09.07.2019 for demolition of unauthorized construction made by the 6th respondent in Appa Pallivasal, Resurvey No.779/1 at Appa Pallivasal Street, Ward No.9, Kayalpattinam Municipality, Tuticorin District under Sections 216(3), 339, 310 of Tamil Nadu District Municipality Act.

2.Though this Writ Petition is pending from the year 2019, till now, the respondents have not filed any counter affidavit.



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3.Today, when the matter is taken up for hearing, it is reported that the 6th respondent died on 04.08.2023 and a copy of the death certificate is also produced before this Court.

4.Considering the fact that this Writ Petition is filed to implement the order of the 2nd respondent to demolish the unauthorized construction made by the 6th respondent and now, it is reported that the 6th respondent died, we are inclined to direct the 2nd respondent to issue fresh notice to the owner of the building in question in place of the 6th respondent and take necessary action for removal of the unauthorized construction, if there is no legal impediment, after granting opportunity to the parties concerned. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

[D.K.K., J.] & [R.V., J.]
11.03.2024

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



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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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To

- 1.The District Collector,
Tuticorin District.
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