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W.P.(MD) No.19019 of 2019

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.19019 of 2019

Jees Rymond

... Petitioner

-vs-

1.The District Collector
Kanyakumari District
At Nagercoil

2.The Assistant Director of Panchayat
Nagercoil, Kanyakumari District

3.The Executive Officer
Selection Grade Panchayat
Puthukadai
Kanyakumari District

4.Berpethal

5.A.M.Shaji

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to consider the petitioner's representation dated 28.06.2019, on the basis of Sections 199, 216 and 339 of the Tamilnadu District Municipalities Act, 1920 and to remove the illegal construction made by the respondents 4 and 5 without any building plan approval and without having any rights over the property situated in R.Sy.No. 377/7 (Old Sy.No.65D) of Munchirai Village, Vilavancode Taluk (Now Killiyoor), Marthandam Registration District, Kanyakumai District, on the basis of the communication in proceeding No.20/2018/A2, dated 15.02.2018 sent by the third respondent.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R3
No appearance for R4

ORDER

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

Prayer in this writ petition is to direct the third respondent to consider the petitioner's representation dated 28.06.2019, as per Sections 199, 216 and 339 of the Tamilnadu District Municipalities Act, 1920 and to



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remove the illegal construction made by the respondents 4 and 5 without any building plan approval and without having any rights over the property situated in R.Sy.No.377/7 (Old Sy.No.65D) of Munchirai Village, Vilavancode Taluk (Now Killiyoor), Marthandam Registration District, Kanyakumai District, on the basis of the communication in proceeding No.20/2018/A2, dated 15.02.2018 sent by the third respondent.

2. According to the petitioner, the respondents 4 and 5, who are having any right over the subject property, are constructing a building therein, without obtaining necessary permission from the authority concerned. Further, though the third respondent issued a notice to the respondents 4 and 5 on 15.02.2018 directing them not to construct any building in the subject land, without giving any reply to the said notice, they are continuing with the construction activities. Ventilating the same, the petitioner submitted a representation dated 28.06.2019 to the third respondent. However, thereafter, no fruitful action was taken by the third respondent based on the petitioner's representation. Hence, this writ petition.



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3. Learned counsel appearing for the respondents 1 to 3, on instructions, submits that if the construction made by the respondents 4 and 5 is found to be an unauthorized construction, the authority concerned will take necessary action for removal of the same in accordance with law.

4. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, we direct the third respondent to consider the petitioner's representation dated 28.06.2019, 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.

5. To be noted, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government Order. The third respondent shall file an action taken report before the



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Monitoring Committee for removal of the unauthorized construction made by the respondents 4 and 5.

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

[D.K.K., J.]

[R.V., J.]

13.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Assistant Director of Panchayat,
Nagercoil, Kanyakumari District.
- 3.The Executive Officer,
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