



W.P.(MD)No.5179 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5179 of 2018

and

W.M.P.(MD)No.5170 of 2018

Y.Sornappan

: Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collectorate,
Kanyakumari District.
- 2.The Superintendent of Police,
O/o. the Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 3.The Executive Officer,
Kottaram Town Panchayat,
Kottaram,
Kanyakumari District.



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4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Office of the Collectorate,
Nagercoil,
Kanyakumari District.

5.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

6.The Sub-Inspector of Police,
Thenthamaraiikulam Police Station,
Kanyakumari District.

7.Periyasamy

8.The Block Development Officer,
Kulasekarakulam Village Panchayat,
Agastheeswaram Taluk,
Kanyakumari District.

: Respondents

[R8 is Suo motu impleaded vide order dated 04.09.2018].

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 6 to remove the unauthorized construction put up by the 7th



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respondent as illegal near the petitioner's compound wall and consequently forbearing the 7th respondent from making any unauthorized construction and conducting prayer sessions in the said land and usage of the building as place of worship without getting prior approval as per Rule 4(3) of Tamil Nadu Panchayat Building Rules, 1997 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For Respondents 1,4&5 : Mr.T.Amjad Khan
Government Advocate
For Respondents 2&6 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For Respondent No.7 : Mr.B.Prahalad Ravi
For Respondent No.8 : No appearance

O R D E R

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

This Writ Petition has been filed for a direction to the respondents 1 to 6 to remove the unauthorized construction put up by the 7th respondent near the petitioner's compound wall and for a consequential direction to forbear the 7th respondent from making any unauthorized construction and conducting prayer sessions in the said land and usage of the building as place of worship without



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getting prior approval as per Rule 4(3) of Tamil Nadu Panchayat Building Rules, 1997.

2.Today, when the matter was taken up for hearing, the learned Government Advocate submitted that the fifth respondent Tahsildar has filed a counter affidavit stating that no construction activity is being carried out as alleged by the petitioner and seeks for dismissal of this Writ Petition.

3.Recording the aforesaid statement of the learned Government Advocate and the counter affidavit filed by the fifth respondent, we find no merit in this Writ Petition.

4.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

31.01.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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D.KRISHNAKUMAR, J.

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ORDER MADE IN

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