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W.P.(MD) No.9561 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

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

**W.P.(MD) No.9561 of 2018
and
W.M.P.(MD) Nos.8802 & 8803 of 2018**

Srinivasa Kannan

... Petitioner

-VS-

- 1.The State of Tamil Nadu
Represented by the Secretary
Department of Town and Country Planning
Secretariat
Chennai – 9
- 2.The Director of Town and Country Planning
Chennai
- 3.The Member Secretary
Local Planning Authority
Nagarcoil
Kanyakumari District
- 4.Nagarcoil Municipality
Represented by its Commissioner
Nagarcoil
Kanyakumari District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the proceedings of third respondent made in Na.Ka.No.74/2013 NA.U.Thi.KU dated 23.04.2018 and quash the same.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R3
Mr.P.Athimoola Pandian for R4

ORDER

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

The order dated 23.04.2018, passed by the third respondent, directing the petitioner to vacate and hand over vacant possession of the subject building as it has been constructed unauthorizedly, is under challenge in this writ petition.

2. Learned counsel appearing for the respondent – Municipality, on instructions, submits that challenging the impugned order the petitioner filed an appeal before the appellate authority and obtained an interim order in



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his favour as early as on 19.01.2019 based on the undertaking that he will hand over the vacant possession of the subject premises within three months. However, he has not complied with the undertaking given by him till date.

3. In view of the above submission, the respondent – Municipality is directed to take necessary action for removal of the unauthorized construction in accordance with law.

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

[D.K.K., J.]

[R.V., J.]

27.03.2024

(8/11)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Secretary,
State of Tamil Nadu,
Department of Town and Country Planning,
Secretariat,
Chennai – 9.
- 2.The Member Secretary,
Local Planning Authority,
Nagarcoil,
Kanyakumari District.



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