



WEB COPY



W.P.(MD) No.21496 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM:

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

AND

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

W.P.(MD)No.21496 of 2022

and

W.M.P.(MD)No.15646 of 2022

B.Mohammed Pathu

... Petitioner

-Vs-

1.The Commissioner,
Kalakadu Municipality,
Tirunelveli District.

2.Junaitheen
3.S.Sulaihal Beevi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take steps as per the provisions contained in Tamil Nadu District Municipalities Act, to demolish the unauthorized construction put up by the respondents 2 and 3 in violation of the order of the 1st respondent dated 26.03.2022 against the respondents 2 and 3 in Survey Nos. 525/11A and 526/12A at Padalaiyarkulam Village within Kalakadu Municipality Limits in Tirunelveli District belongs to co-sharer of the petitioner.



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For Petitioner : Mr.A.Arumugam
For R1 : Mr.P.Thilak Kumar,
Government Pleader
For R2 & R3 : Mr.B.Prahalat Ravi

ORDER

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

According to the petitioner, he made a representation dated 24.03.2022 to the 1st respondent pointing out the unauthorized construction put up by the respondents 2 and 3. Based on the said representation, the 1st respondent issued a notice dated 26.03.2022, directing the respondents 2 and 3 to stop the constructions made by them. However, the respondents 2 and 3 proceeded with the construction. Therefore, the petitioner has filed this Writ Petition.

2.The learned counsel for the respondents 2 and 3 submitted that the respondents 2 and 3 has obtained approval for construction of the building in question from the authority concerned and they are also ready to place all the relevant documents before the 1st respondent.



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3. In view of the aforesaid submission, we direct the 1st respondent to proceed further in accordance with his proceedings dated 26.03.2022, after providing opportunity to all the parties concerned and complete the process of removal of unauthorized construction within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the respondents 2 and 3 shall submit all the relevant documents before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order.

4. 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.]
26.03.2024

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

Yuva

To

The Commissioner,
Kalakadu Municipality,
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