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W.P.(MD) No.9530 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.9530 of 2014

M.V.S.Rajendranath

... Petitioner

-vs-

1.The District Collector
Tirunelveli District
Tirunelveli

2.The Executive Officer
Mukkudal Town Panchayat
Mukkudal, Tirunelveli District

3.D.S.A.Sivaprakasam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to consider the petitioner's representation dated 18.11.2013 and to remove the unauthorized construction in Survey No.55/3G, Mukkudal Village, Tirunelveli District, as per the G.O.Ms.No.289, Housing and Urban Development (UD 4-1) Department, dated 16.12.2010.



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For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.C.Selvaraj for R2
Mr.P.Ramasamy for R3

ORDER

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

Prayer in this writ petition is to direct the first respondent to consider the petitioner's representation dated 18.11.2013 and to remove the unauthorized construction made in Survey No.55/3G of Mukkudal Village, Tirunelveli District, as per G.O.Ms.No.289, Housing and Urban Development (UD 4-1) Department, dated 16.12.2010.

2. The grievance of the petitioner is that the the third respondent has encroached upon the subject land and trying to construct a marriage hall contrary to the provisions of the Town and Country Planning Act, 1971. The second respondent has also not approved the contraction of the marriage hall in the subject land. Seeking to stop the said unauthorized construction, the petitioner has given a representation dated 18.11.2013 to the respondents 1



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and 2. Since the same has not been considered, the petitioner has filed this writ petition.

3. It is seen that this writ petition is of the year 2014. However, till date, no counter affidavit has been filed by the respondents.

4. Considering the nature of the relief sought for by the petitioner, the first respondent is directed to consider the petitioner's representation dated 18.11.2013 and pass orders on merits and in accordance with law, after providing due opportunity to the parties concerned, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. No costs.

[D.K.K., J.]

[M.D.I., J.]

11.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:
The District Collector,
Tirunelveli District,
Tirunelveli.



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and
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