



**W.P.(MD) No.23152 of 2022**

**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.23152 of 2022**

**and**

**W.M.P(MD)Nos.17253 and 17255 of 2022**

S.Vaikundamani

... Petitioner

Vs.

- 1 The District Collector,  
Kanyakumari District, Nagercoil.
- 2 The Block Development Officer,  
Agasteeswaram Union, Perumalpuram,  
Kanyakumari District
- 3 The Village President,  
Karumpatoor Panchayat,  
Chotapanikantherivilai,  
Agasteeswaram Taluk,  
Kanyakumari District.
- 4 The Tahsildar,  
Agasteeswaram Taluk,  
Nagercoil,  
Kanyakumari District.

5 Hameema

... Respondents



**W.P.(MD) No.23152 of 2022**

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 to 4 to demolish the new construction being made by the 5<sup>th</sup> respondent in the backyard of the residential house deviating all rules and regulations with regard to Tamilnadu Combined Development and Building Rules 2019 forthwith.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | :Mr.S.Palani Velayautham                          |
| For R-1 to R-4 | :Mr.T.Amjad Khan,<br>Government Advocate          |
| For R-5        | :Mr.A.S.Abul Kalam Azad for<br>M/s.Spicy Law Firm |

### **ORDER**

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

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 2 to 4, to demolish the new construction being made by the 5<sup>th</sup> respondent in the backyard of the residential house by deviating all Rules and Regulations with regard to Tamilnadu Combined Development and Building Rules, 2019.

2. When the matter is taken up for hearing today, the learned counsel appearing for the fifth respondent has strongly objected the averments made in the petition by stating that there is no deviation or



**W.P.(MD) No.23152 of 2022**

unauthorized construction by the fifth respondent. He would further submit that the petitioner has only made unauthorized construction.

3. We have heard the learned counsel appearing on either side and perused the materials placed before us.

4. Since allegation and counter allegation is made by the petitioner as well as the fifth respondent, we direct the second respondent to take necessary action on merits and in accordance with law, if there is any unauthorized construction or any deviation of the planning permission, after providing opportunity to the petitioner as well as the fifth respondent.

5. With the above direction, the writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

**[D.K.K., J.]**

**[R.V., J.]**

**13.03.2024**

Neutral Citation: Yes / No  
Index : Yes / No  
**PM**



**W.P.(MD) No.23152 of 2022**

To:

WEB COPY

- 1 The District Collector,  
Kanyakumari District, Nagercoil.
- 2 The Block Development Officer,  
Agasteeswaram Union, Perumalpuram,  
Kanyakumari District
- 3 The Village President,  
Karumpatoor Panchayat,  
Chotapanikantherivilai,  
Agasteeswaram Taluk,  
Kanyakumari District.
- 4 The Tahsildar,  
Agasteeswaram Taluk,  
Nagercoil,  
Kanyakumari District.



WEB COPY



***W.P.(MD) No.23152 of 2022***

**D.KRISHNAKUMAR, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

PM

**W.P.(MD)No.23152 of 2022**

**13.03.2024**