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W.P.(MD) No.25141 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.25141 of 2018

and

W.M.P.(MD) No.22769 of 2018

A.Krishnaswamy

... Petitioner

-vs-

- 1.The Government of Tamil Nadu
Represented by its Principal Secretary
Department of Hindu Religious and Charitable Endowments
Chennai – 600 009
- 2.The Commissioner
Hindu Religious and Charitable Endowment
O/o.The Commissioner (HR & CE)
Chennai – 34
- 3.The Joint Commissioner
O/o.Joint Commissioner
Hindu Religious and Charitable Endowment
Thiruvananthapuram Road
Palayamkottai, Tirunelveli District
- 4.The Assistant Commissioner
Hindu Religious and Charitable Endowment
Mettu Street, Vadiveeswaram
Nagercoil – 629 002



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5.The District Collector
O/o.District Collector
Kanyakumari District

6.The Assistant Director
Town and Country Planning
Nagercoil
Kanyakumari

7.The Nagercoil Municipality
Represented by its Commissioner
Nagercoil
Kanyakumari District

8.The Superintendent of Police
O/o.Superintendent of Police
Nagercoil
Kanyakumari District

9.The Inspector of Police
Kottar Police Station
Nagercoil
Kanyakumari District

10.The Settur Nayinar Desia Vinayagar Devasthanam Trust
Represented by its Managing Trustee
Kottar, Nagercoil
Kanyakumari District

11.C.Thanunadha Babu

12.Bhagiyanadan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2 to 8 to forbear the respondents 10 to 12 from making any further illegal constructions in Survey



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No.1445, Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District and consequently direct the respondents 2 to 8 to demolish the illegal constructions made by respondents 10 to 12, within the time stipulated by this Court.

For Petitioner : Mr.P.Vetrivel

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R6
Mr.P.Aathimoolapandian for R7
Mr.S.S.Madhavan
Government Advocate (Crl. Side) for R8 & R9
Ms.J.Anandhavalli for R10
Mr.M.P.Senthil for R11 & R12

ORDER

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

Prayer in this writ petition is to direct the respondents 2 to 8 to forbear the respondents 10 to 12 from making any further illegal constructions in Survey No.1445 of Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District and consequently to direct the respondents 2 to 8 to demolish the illegal constructions made by respondents 10 to 12, within the time stipulated by this Court.



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2. According to the learned counsel appearing for the respondents 11 and 12, on instructions, submits that the respondents 11 and 12 made renovation works in the existing building by constructing a bathroom therein. In such circumstances, the petitioner made a complaint against them alleging that they are putting up a construction unauthorizedly.

3. In view of the above submission of the learned counsel for the respondents 11 and 12, if the alleged construction is only a renovation work, the authority concerned shall consider the same and if there is any violation of the planning permit, the authority concerned shall take necessary action for removal of the same, in accordance with law, as expeditiously as possible.

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

[D.K.K., J.] [R.V., J.]
27.03.2024
(3/11)

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

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8.The Inspector of Police,
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