



W.P(MD)No.23416 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

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

**W.P(MD)No.23416 of 2018
and
W.M.P(MD)No.21259 of 2018**

A.Veerarajan

... Petitioner

VS.

- 1.The Dindigul Municipality,
Represented by its Commissioner,
Church Road, Dindigul,
Dindigul District.
- 2.The Director of Town and Country Planning,
O/o.The Director of Town and Country Planning,
Opposite to LIC, Chengalvarayan Building,
Fourth Floor, No.807, Anna Salai,
Chennai – 600 002.
- 3.The Assistant Director of Town Panchayat,
O/o.The Assistant Director of Town Panchayat,
Collectorate Campus,
Dindigul District.
- 4.The Executive Officer,
Town Panchayat,
Nillakottai, Dindigul District.

5.Musthafa

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from permitting the illegal construction of building made by the fifth respondent in Survey No.471/19 at Venkatramapuram Agraharam, Nillakottai Town Panchayat, Dindigul District and consequently directing the respondents 2 to 4 to demolish the illegal construction made by the fifth respondent within the period stipulated by this Court.

For Petitioner	: Mr.P.Vetrivel
For Respondent Nos.1 to 3	: Mr.T.Amjad Khan Government Advocate
For Respondent No.4	: Mr.M.Rajarajan
For Respondent No.5	: Mr.N.S.Karthikeyan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to forbear the respondents 3 and 4 from permitting the illegal construction of building made by the fifth respondent in Survey No.471/19 at Venkatramapuram Agraharam, Nillakottai Town Panchayat, Dindigul District and consequently directing the respondents 2 to 4 to demolish the illegal construction made by the fifth respondent within the period stipulated by this Court.



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2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.On a perusal of the materials available on record, it is seen that the first limb of the prayer of the petitioner is to forbear the respondents 3 and 4 from permitting the illegal construction of building made by the fifth respondent in Survey No.471/19 at Venkatramapuram Agraharam, Nillakottai Town Panchayat, Dindigul District and another limb of the prayer of the petitioner is to direct the respondents 2 to 4 to demolish the illegal construction made by the fifth respondent. Therefore, the prayer sought for by the petitioner is not clear and ambiguity.

4.In view of the above, if the fifth respondent has made any unauthorized construction in the property in question, liberty is granted to the petitioner to submit a fresh representation before the authority concerned for removal of the same in accordance with law.



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5.With the above liberty, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
25.03.2024

NCC : Yes / No
Index : Yes / No
ps



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To

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

ps

ORDER MADE IN
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