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W.P.(MD) No.23655 of 2018

**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.23655 of 2018**

**and**

**W.M.P.(MD) No.21442 of 2018**

Crystal Menaga

... Petitioner

-vs-

1.The District Collector  
Kanyakumari District

2.The Tahsildar  
Agastheeswaram Taluk  
Kanyakumari District

3.The Special Officer /  
Block Development Officer  
Leepuram Panchayat  
Agastheeswaram Taluk  
Kanyakumari District

4.The Inspector of Police  
Kanyakumari, Kanyakumari District

5.Esakki

6.Mariappan Karthick

... Respondents

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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 to stop the illegal and unauthorized construction of Temple without prior permission from the first respondent and further direct them to remove the unauthorized construction of Temple in Plot Nos.4 and 5 at Golden City, situated in S.No.422/1A/A, Kalluvilai Village, now at Leepuram Village, Agastheeswaram Taluk, Kanyakumari District, within the time stipulated by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.T.Amjad Khan  
Government Advocate for R1 to R3  
Mr.S.S.Madhavan  
Government Advocate (CrI.Side) for R4  
Mr.S.Balasubramanian for R5 & R6

### **ORDER**

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

Prayer in this writ petition is to directing the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 to stop the illegal and unauthorized construction of Temple without prior permission from the first



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respondent and further to direct them to remove the unauthorized construction of Temple in Plot Nos.4 and 5 at Golden City, situated in S.No. 422/1A/A, Kalluvilai Village, now at Leepuram Village, Agastheeswaram Taluk, Kanyakumari District, within the time stipulated by this Court.

**2.** Today, when the matter was taken up for hearing, learned counsel on either side fairly submitted that the construction of Temple in the subject land is completed and therefore the first limb of the prayer to direct the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 to stop the illegal and unauthorized construction of Temple has now become infructuous.

**3.** However, learned counsel for the petitioner is insisting upon the second limb of the prayer to direct the respondents 1 to 4 to remove the unauthorized construction of Temple in the subject land.

**4.** To that extent, in view of the fact that the construction of Temple is already completed, we direct the petitioner to submit a representation to the District Collector / first respondent ventilating her



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grievance within a period of two weeks from the date of receipt of a copy of this order and thereafter, the District Collector / first respondent shall consider the same and pass orders on merits and in accordance with law, after providing due opportunity to the parties concerned, without any further delay.

**5.** Accordingly, this writ petition is dismissed as infructuous as against the first limb of the prayer and this writ petition is disposed of with the above direction as against the second limb of the prayer. No costs. Consequently, connected miscellaneous petition is closed.

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

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

**13.03.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

1.The District Collector,  
Kanyakumari District.

2.The Tahsildar,  
Agastheeswaram Taluk,  
Kanyakumari District.

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- 3.The Special Officer /  
Block Development Officer,  
Leepuram Panchayat,  
Agastheeswaram Taluk,  
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- 4.The Inspector of Police,  
Kanyakumari,  
Kanyakumari District.



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**and**  
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