



W.P(MD)No.240 of 2016

WEB COPY 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.240 of 2016
and
W.M.P(MD)No.176 of 2016**

Paramasivan

... Petitioner

VS.

1.Puliyangudi Municipality,
Represented by its Commissioner,
Kadayanallur Taluk,
Tirunelveli District.

2.The Building Inspector,
Puliyangudi Municipality,
Kadayanallur Taluk,
Tirunelveli District.

3.M.Vanamamalai
4.P.Palanivel
5.P.Gomathinayam
6.P.Ganesan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to stop the illegal construction put up by the respondents 4 to 6 in Door Nos.104 and 104-A situated in Natham Survey No.309/2A1A, Town Survey

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WEB COPY No.66, R.S.K Pandiyan Street, Puliyangudi Town, Kadayanallur Taluk, Tirunelveli District.

For Petitioner	: Mr.R.J.Karthick
For RR 1 & 2	: Mr.T.S.Mohammed Mohideen
For R – 3	: No appearance
For RR 4 to 6	: Mr.M.P.Senthil

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to stop the illegal construction put up by the respondents 4 to 6 in Door Nos.104 and 104-A situated in Natham Survey No.309/2A1A, Town Survey No.66, R.S.K Pandiyan Street, Puliyangudi Town, Kadayanallur Taluk, Tirunelveli District.

2.According to the petitioner, respondents 4 to 6 are putting up construction without the building plan approval from respondents 1 and 2.



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3.The learned counsel appearing for the respondents 4 to 6 submitted that there is a civil dispute between the petitioner and respondents 4 to 6.

4.Considering the submissions made on either side, the respondent Municipality is directed to conduct inspection in the property in question and if there is any unauthorized construction or deviation, the respondent Municipality is directed to consider the representation of the petitioner, dated 30.12.2015 and pass appropriate orders on merits and in accordance with law, after providing an opportunity to the petitioner and respondents 4 to 6. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

NCC : Yes / No
Index : Yes / No
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D. KRISHNAKUMAR,J.
and
M.DHANDAPANI,J.

ps

ORDER MADE IN
W.P(MD)No.240 of 2016

DATED : 11.01.2024