



W.P(MD)No.23086 of 2023

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.23086 of 2023
and
W.M.P(MD)No.19278 of 2023**

A.Saleem

... Petitioner

vs.

- 1 The Tamil Nadu Waqf Board, [Rep. by its Chairman,
No.1 Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 2 The Commissioner,
Tirunelveli Corporation Zone,
Tirunelveli District.
- 3 The Executive Officer / Waqf Superintendent,
Amanusha Pallivasal Waqf,
No.51/80, A.K.A.P.Commercial Complex,
Kula Vanigarpuram, Palayamkottai,
Tirunelveli - 627 002.
- 4 D.Jawahar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to demolish the unauthorized construction put by the 4th respondent at Old Ward No.6, Block No.21, New Ward No.22 Samiyathaikkal Street, bearing T.S.No.2620, Tirunelveli Corporation, Tirunelveli Town and District.



W.P(MD)No.23086 of 2023

For Petitioner
For R-1 & R-3
For R-2

:Mr.M.Saravanan
:Mr.Haroon Rasid
:Mr.S.P.Maharajan,
Special Government Pleader

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 2nd respondent to demolish the unauthorized construction put by the 4th respondent at Old Ward No.6, Block No.21, New Ward No.22 Samiyathaikkal Street, bearing T.S.No.2620, Tirunelveli Corporation, Tirunelveli Town and District.

2. According to the petitioner, the fourth respondent has constructed a building without getting any prior permission from the authority concerned and in this regard, the petitioner has made a representation to the authorities for removal of the unauthorized construction. Since the representation has not been considered, the petitioner has filed this writ petition with the aforesaid prayer.

3.The learned Special Government Pleader appearing for the second respondent – Corporation would submit that the fourth respondent has not obtained any planning permission from the authority concerned and therefore, necessary action will be taken by the Corporation as per law.



W.P(MD)No.23086 of 2023

4. We have heard the submissions made on either side and perused the materials placed before us.

5. The photographs produced in the typed set of papers would show that the Officer of the respondent-Corporation affixes the notice in the building in question and therefore, it is clear that the building is constructed unauthorizedly. Therefore, the respondent/Corporation has to take necessary action for the demolition of the building by following the procedure as stated in ***M.Rahamathunisha and others Vs. Commissioner, Greater Chennai Corporation, Chennai and another reported in [2022 (6) CTC 145.***

6.Further, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O(2D)No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. As per the said Government Order, the Committee shall monitor the unauthorized construction of buildings within the jurisdiction limit and take action.

7. Therefore, we direct the second respondent-Corporation to take necessary action for removal of unauthorized construction put up by the fourth respondent, after providing opportunity to all the parties concerned and file a report before the High Level Monitoring Committee, within a period



W.P(MD)No.23086 of 2023

of twelve weeks from the date of receipt of a copy of this order.

WEB COPY

8. With the above direction, this writ petition stands disposed of.

No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.]

[R.V.,J.]

13.03.2024

NCC : Yes / No

Index : Yes / No

PM

To:

The Commissioner,
Tirunelveli Corporation Zone,
Tirunelveli District.



W.P(MD)No.23086 of 2023

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

PM

ORDER MADE IN
W.P(MD)No.23086 of 2023

DATED : 13.03.2024