



W.P.(MD)No.24994 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.24994 of 2024

N.Muthu Perumal

... Petitioner

-VS-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner of Tirunelveli Corporation,
Tirunelveli.

3.The Secretary / Member (Incharge),
Town Planning Approval Controlling Authority,
Office of the Town Planning Approval Officer,
Tirunelveli.



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4.The Krishna Hospital,
High Ground Road,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction made by the 4th respondent's Hospital pursuant to the proceedings in Na.Ka.No.667/2022/Thili.Ma.Na dated 07.2023 signed on 05.07.2023 of the third respondent within stipulated time fixed by this Court.

For Petitioner : Mr.S.Velmurugan
For Respondents : Mr.P.T.Thiraviyam
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction made by the 4th respondent's Hospital pursuant to the proceedings in Na.Ka.No.667/2022/Thili.Ma.Na dated 07.2023 signed on 05.07.2023 of the third respondent within stipulated time fixed by this Court."



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2.Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents would submit that the claim of the petitioner that the construction is unauthorized is unfounded. According to him, there was certain deviations and proceedings have already been taken against the fourth respondent requiring the fourth respondent to bring the building in conformity with the sanctioned plan. Aggrieved by the said order, the fourth respondent has preferred an appeal before the Secretary, under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971. The said appeal is pending. Therefore, the respondents await the disposal of the appeal to proceed with the removal of encroachments.

3.Hence, this Writ Petition is closed as unnecessary. There shall be no order as to costs.

NCC : No
Index : No
MR

[R.S.M., J.] & [L.V.G., J.]
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and
L.VICTORIA GOWRI, J.

MR

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