



W.P.(MD) No.16525 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.16525 of 2017

and

W.M.P(MD)No.13161 of 2017

S.Abdul Khader

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District.
- 2.The Superintendent of Police,
O/o.the Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 3.The Executive Officer,
Kottayam Town Panchayat,
Kottaram,
Kanyakumari District.
- 4.Mr.Mohammed Sharif



W.P.(MD) No.16525 of 2017

5. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action against the illegal construction put up by the respondent No.4 and consequently forbear the respondent No.4 from conducting prayer sessions and usage of the building as place of worship without getting prior approval as per Rule 4(3) of the Tamil Nadu Panchayat Buildings Rules, 1997.

For Petitioner	:	Mr.G.Karthik
For R1, R2 & R5	:	Mr.T.Amjad Khan, Government Advocate
For R-3 & R-4	:	No Appearance

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 respondents 1 to 3, to initiate appropriate action against the illegal construction put up by the fourth



W.P.(MD) No.16525 of 2017

respondent and consequently forbear the fourth respondent from conducting prayer sessions using the building as a place of worship without getting prior approval as per Rule 4(3) of the Tamil Nadu Panchayat Buildings Rules, 1997.

2. The allegation of the petitioner is that the fourth respondent has illegally constructed the first floor of his building and conducted prayer meeting in the first floor. Hence, the petitioner has made a complaint. Since no action has been taken by the official respondents, the petitioner has filed this writ petition.

3. When the matter is taken up for hearing today, the learned Government Advocate appearing for the official respondents, on instructions, would submit that the fourth respondent has obtained permission for constructing a house in the land in question for the ground floor alone and he has not obtained any permission for constructing the first floor. Subsequently, action has been taken by the third respondent and the unauthorised construction put up in the first floor, by the fourth respondent, has been removed.



W.P.(MD) No.16525 of 2017

WEB COPY

4. In view of the said submission, nothing survives for further adjudication in this writ petition. Still if there is encroachment, it is for the petitioner to make a complaint before the authority concerned for taking necessary action.

5. Hence, recording the submission made by the learned Government Advocate, this writ petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

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

18.01.2024

Neutral Citation: Yes / No
Index : Yes / No
PM



W.P.(MD) No.16525 of 2017

To:

WEB COPY

- 1.The District Collector,
Collectorate,
Kanyakumari District.
- 2.The Superintendent of Police,
O/o.the Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.



WEB COPY



W.P.(MD) No.16525 of 2017

D.KRISHNAKUMAR, J.
and
K.K.RAMAKRISHNAN, J.

PM

W.P(MD)No.16525 of 2017

18.01.2024