



W.P(MD)No.20344 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.20344 of 2017

L.G.Sarath Inigo

... Petitioner

VS.

1.The District Collector,
Collectorate Campus,
Kokirakullam, Tirunelveli – 627 009.

2.The Member Secretary,
Local Planning Authority,
South Bypass Road,
Tirunelveli – 627 005.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
S.N.High Road,
Tirunelveli – 627 001.

4.Jeyakumar Christudoss

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to demolish the unlawful construction put up by the fourth respondent herein in Plot No.21, Door No.41A/1, Jebanagar, Melapalayam Post, Tirunelveli – 627 005 within the time stipulated by this Court.

1/5



W.P(MD)No.20344 of 2017

WEB COPY

For Petitioner	: Mr.R.Pon Karthikeyan
For Respondent Nos.1 & 2	: Mr.T.Amjadkhan Government Advocate
For Respondent No.3	: Mr.Aayiram K.Selvakumar
For Respondent No.4	: Mr.G.Prabhu Rajadurai

ORDER

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

Prayer in this Writ Petition is to direct the respondents 1 to 3 to demolish the unlawful construction put up by the fourth respondent in Plot No.21, Door No.41A/1, Jebanagar, Melapalayam Post, Tirunelveli – 627 005 within the time stipulated by this Court.

2.According to the petitioner, the fourth respondent has illegally made a construction in the above said Plot in excess of the approved building plan. Seeking to remove the same, the petitioner made a representation, dated 03.10.2017 to the respondents 1 to 3. Since the said representation has not been considered, the petitioner has filed the present Writ Petition.



W.P(MD)No.20344 of 2017

WEB COPY

3.The learned counsel appearing for the fourth respondent would submit that the fourth respondent has obtained planning approval to an extent of 146.24 sq.m., whereas construction has been made to an extent of 421.31 sq.m., and now, according to the fourth respondent, the objectionable portion of the construction has been removed and the fourth respondent has submitted a revised planning approval to the authority concerned for regularisation and the same is pending.

4.The learned counsel appearing for the fourth respondent would further submit that if there is any violation of the planning permit, the fourth respondent undertakes that the said portion of the illegal constructions will be removed by him.

5.Considering the facts and circumstances of the case, if there is any unauthorized construction, the authority concerned shall take necessary action for removal of the same in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.P(MD)No.20344 of 2017

WEB COPY

6.With the above direction, the Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
29.01.2024
(1/2)

NCC : Yes / No
Index : Yes / No
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To

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W.P(MD)No.20344 of 2017

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

ps

ORDER MADE IN
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(1/2)