



WP(MD). No.29153 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD).No.29153 of 2024
and WMP(MD) Nos.24668 and 24670 of 2024

Jai Sri Prithiyankara Devi S,

... Petitioner

Vs

The Nagercoil City Municipal,
Corporation, Rep. by its Commissioner,
O/o. the Nagercoil City Municipal Corporation,
Nagercoil, Kanyakumari District..

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice passed by the respondent in his proceedings in Notice No. 65/2024, dated 08.11.2024 and quash the same as arbitrary, illegal and against the principles of natural justice and consequently forbearing the respondent from demolishing the Sri Prithiyankara Devi Sakthi Peedam Temple building in T.S.No. J6/36-19 situated at Melasurankudi, Neendakarai A East Village, Agastheeswaram Taluk, Kanyakumari District.



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For Petitioner : Mr.S.Krishnan

For Respondent : Mr.F.Deepak

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Though the petitioner herein has raised several grounds challenging the notice under Section 56 of the Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') for removal of the unauthorized construction, the learned counsel for the petitioner submitted that if liberty is granted to them to make an application under Section 49 of the Act seeking for permission to develop, he would be satisfied.

3. In consideration of such a submission made, the petitioner is granted liberty to make an application under Section 49 of the Act to the



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appropriate authorities within a period of ten days from the date of receipt of a copy of this order and on receipt of such application, the concerned authority shall consider it on its own merits and take further course of action in accordance with law.

4. The writ petition stands disposed of accordingly. No costs.
Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

05.12.2024

NCC : Yes/No

Index : Yes/No

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TO

1. The District Collector,
Office of the District Collector,
Ramanathapuram District..

2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District..

3. The Assistant Divisional Engineer,
National Highways Department,
Ramanathapuram District..

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A.D.MARIA CLETE, J.

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