



W.P(MD)No.883 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM:

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

**W.P(MD)No.883 of 2024
and
W.M.P(MD)No.902 of 2024**

Babu

... Petitioner

VS.

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The District Environment Engineer,
Pollution Control Board,
No.318/64A, Water Tank Road,
Nagercoil,
Kanyakumari District.
- 3.The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanyakumari District.
- 4.The Member Secretary,
Local Planning Authority,
O/o.Deputy Director of Town and Country Planning,
Collectorate Building,
Nagercoil.



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5.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

6.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tamil Nadu Electricity Board,
Ethamozhi, Kanyakumari District.

7.The Superintendent of Police,
Kanyakumari District, Kanyakumari.

8.The Inspector of Police,
Rajakkamangalam Police Station,
Rajakkamangalam,
Kanyakumari District.

9.V.Vincent

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to take action against the ninth respondent for his unauthorized construction made in S.No.579/3 situated at A.West Village, Neendakarai, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.P.Sivachandran

For Respondent Nos.1, 4 & 5 : Mr.P.Thilak Kumar
Government Pleader

For Respondent No.2 : Ms.Vijayakumari Natarajan

For Respondent No.3 : Mr.F.Deepak

For Respondent Nos.7 & 8 : Mr.S.S.Madhavan
Government Advocate (Crl. Side)

For Respondent No.9 : Mr.D.Saravanan



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ORDER

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

Prayer in this Writ Petition is to direct the respondents to take action against the ninth respondent for his unauthorized construction in S.No.579/3 situated at A.West Village, Neendakarai, Agasteeswaram Taluk, Kanyakumari District.

2.According to the petitioner, the ninth respondent, without obtaining any permission from the local planning authorities, constructed a prayer hall. In this regard, the petitioner made a representation, dated 14.02.2023 to the fifth respondent. Since no action has been taken by the official respondents, the petitioner has filed the present Writ Petition.

3.When the matter was taken up for hearing today, the learned counsel appearing for the third respondent Corporation would submit that Form – I and Form II notices, dated 21.03.2023 and 03.04.2023 have been issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 to the ninth respondent to stop the construction and also



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for locking and sealing of the building. Further, the ninth respondent also given a letter, dated 29.01.2024 to the third respondent stating that he will not construct the prayer hall.

4.Recording the above submission, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
22.02.2024

NCC : Yes / No
Index : Yes / No
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To

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Kanyakumari District.

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- 4.The Member Secretary,
Local Planning Authority,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 22.02.2024