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W.P.(MD) No.12652 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.12652 of 2025

and

W.M.P.(MD) Nos.9172 & 15412 of 2025

1.Gandhimathi Selvan

2.Brito Bright Singh

3.Hemalatha

... Petitioners

-vs-

1.The District Collector
Kanyakumari District
Nagercoil

2.The Assistant Director
District Town and Country
Planning Office
Kanyakumari District

3.The Thasildar
Kalkulam Taluk
Thuckalay
Kanyakumari District

4.The Executive Officer

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Kallukottam Town Panchayat
Kallukootam
Kanyakumari District

5.Fr.K.Sunil (Parish Priest)
Our Lady of Fathima Church
Kallukootam
Kallukootam Post
Kanyakumari District

6.G.Bruno Herald
Vice President
Parish Council
Kallukootam
Kallukootam Post
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing to the 1st to 4th respondents to consider the petitioner representation dated 15.04.2025 and demolish the unauthorized construction of the 5th and 6th respondents made in Re Survey No.356/14, Kallukootam Village, Kalkulam Taluk, Kanyakumari District, by considering the petitioner representation dated 15.04.2025 and also restrain the 5th and 6th respondents from constructing building by deviating building plan approval in ROC No.SWP/BPA/393253/2024 dated 28.11.2024 issued by the 2nd respondent.



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For Petitioners : Mr.M.Subbiah

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1 to R4
Ms.S.Vijayashanthi for R5 & R6

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The relief sought for in this writ petition is to direct the respondents 1 to 4 to consider the petitioner's representation dated 15.04.2025 and demolish the unauthorized construction of the respondents 5 & 6 made in Re Survey No.356/14 of Kallukootam Village, Kalkulam Taluk, Kanyakumari District and to restrain the respondents 5 & 6 from constructing building in deviation of the building plan approval granted *vide* ROC No.SWP/BPA/393253/2024 dated 28.11.2024 issued by the second respondent.

2. Today, when the matter is taken up for hearing, learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that unauthorized constructions have been identified, enforcement actions have been initiated and Form-V notice has also been



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issued to the owners of the buildings / occupiers on 24.06.2025.

3. Since enforcement actions have already been initiated, the competent authorities shall proceed with the enforcement action by following the procedures as contemplated under the relevant statute and rules. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. At this juncture, learned counsel appearing for the respondents 5 & 6 submitted that the respondents 5 & 6 have filed applications from the Government seeking to regularize their unauthorized construction.

5. If that be so, it is for the respondents 5 & 6 to pursue the same in accordance with law. However, it is made clear that there is no provision to regularize the unauthorized constructions under the statute.

6. With the above observations, this writ petition is dismissed. No



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costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

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

23.07.2025

(2/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Assistant Director,
District Town and Country
Planning Office,
Kanyakumari District.
- 3.The Thasildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
- 4.The Executive Officer,
Kallukottam Town Panchayat,
Kallukootam,
Kanyakumari District.



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