



W.P(MD)No.16235 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition(MD)No.16235 of 2025

K.Thulasi Ayyappan

Vs

..Petitioner

- 1.The Secretary,
Local Planning Authority,
Fort St. George,
Chennai.
- 2.The Director,
Local Planning Authority,
Annasalai,
Chennai.
- 3.The Deputy Director,
Town and Country Planning Authority,
Nagercoil,
Kanyakumari District.
- 4.The Chairperson,
High Level Monitoring Committee,
Kanyakumari District.
- 5.The President,
Melasankarankuzhi Panchayat,
Rajakkamangalam Union,
Kanyakumari District.
- 6.Kamatchi
- 7.C.Manikandan
- 8.C.Neeladhas
- 9.Sivakala @ Rathika
- 10.Pragalathan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 to 5 to consider an approval of the 2nd floor and consequently, direct the respondents to dispose of the petitioner's representation dated 21.04.2025.

For Petitioner : Mr.H.Elango

For Respondents : Mr.D.Ghandiraj
Spl. Govt. Pleader (RR1 to 5)

ORDER

The petitioner appears to be co-owner of the property, in respect of which the private respondents have also been given patta. The total extent of the land is 4 cents, on which already there are constructions. The petitioner commenced the construction without approval, and therefore, the private respondent had filed the writ petition in W.P(MD)No.20053 of 2021, which came to be disposed of on 13.03.2024, wherein the following directions were issued:



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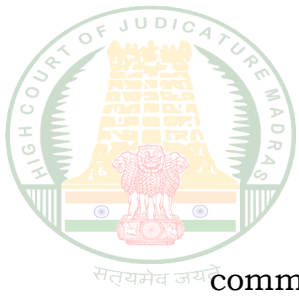


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“2. A detailed counter affidavit has been filed by the fourth respondent panchayat by stating that the petitioners have made a representation on 09.09.2021 for removal of encroachment made in the aforesaid property in question. Subsequently, in the field inspection conducted on 12.09.2021, it was found that they came to know that the seventh respondent has violated the norms and constructed the building against the approved plan and therefore, the seventh respondent was instructed to stop the illegal construction.

3. In the light of the above submission made in the counter affidavit, it is clear that the seventh respondent has illegally constructed the subject building by violation the planning permission. Therefore, as per G.O.Ms.No.15, Municipal Administration and Water Supply (MA. 1) Department, dated 01.03.2024, “the Chairperson, High Level Monitoring Committee, Kanyakumari District” is suo motu impleaded as eighth respondent in this writ petition.”

2. It appears that the petitioner is also the defendant in O.S.No. 127 of 2022 on the file of the Principal District Munsif Court, Nagercoil, at the behest of the private respondents. That apart, the Block Development Officer, Rajakkamangalam, has also issued a



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communication dated 03.04.2025 wherein the petitioner has been asked to comply with the direction of this court, in view of the contempt proceedings initiated by the private respondents. Therefore, the question of granting any relief to the petitioner at this stage cannot be countenanced in view of the pendency of the suit that had been initiated by the private respondents against the petitioner in O.S.No.127 of 2022. The petitioner is entitled to approach the contempt court which is seized of proceedings.

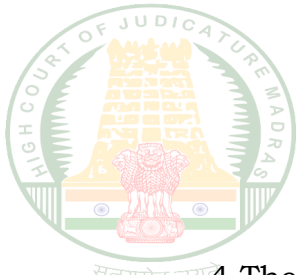
3. This writ petition is dismissed accordingly. No costs.

18.06.2025

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

To

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4.The Chairperson,
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C.SARAVANAN, J.

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