



WMP(MD) No. 26376 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-07-2025

CORAM

THE HONOURABLE MR JUSTICE S.M. SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

WMP(MD) No. 26376 of 2024

in

WP(MD)No.3654 of 2024

Heldon Selvakumar
Son of Rathinados, Parapuvilai, Palappallam Post,
Kanyakumari District 629 159

Petitioner

Vs

1.B. Abirajasfrad
S/o. V.Asirvadham, Door No.6-70A, Parappuvilai,
Palappallam post, Kanyakumari district - 629159.

2. The Executive Officer
Palappallam Town Paanchayat,
Kanyakumari District.

Respondents

For Petitioner:

Mr.M.R.Sreenivasan

For Respondents:

Mr.M.Karthick (R1)

No Appearance (R2)

ORDER

(Order of the Court was made by the Hon'ble S.M.SUBRAMANIAM J.)

The case on hand is a checkered history. The petitioner, who is a Doctor, is a differently abled person suffering 75% disability. He is unable to move his vehicle



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from his residence originally, because of encroachment and unauthorized

construction by the 1st respondent along with few lawyers. Since the lawyers' offices were functioning, the petitioner struggled even to demolish the unauthorized construction and remove the obstruction for taking out his car from his residence.

Due to the intervention of this Court, the pathway is cleared and other encroachments and unauthorized constructions are yet to be demolished. Since the authorities have taken action by issuing notice on 02.02.2024 and by challenging the said notice, the matter is kept pending for about 1 ½ years and therefore, the authorities competent are not in a position to remove the unauthorized construction, so as to resume the public land.

2.The learned counsel appearing for the 1st respondent would submit that no opportunity was given to the 1st respondent to submit his documents, which are in possession and he is willing to submit the same before the authorities competent for consideration.

3.That being the submission, this Court has no hesitation in granting time to the 1st respondent to submit his documents and the 2nd respondent shall look into the documents and thereafter, take a decision and continue further enforcement action to demolish unauthorized construction. The 1st respondent is at liberty to submit his



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documents along with explanation if any within a period of seven (7) days from today (07.07.2025). On receipt of any such explanation, the 2nd respondent shall consider the same and take a final decision and thereafter, continue the enforcement action, if it is established that the construction put up by the 1st respondent is unauthorized construction. The said exercise is directed to be completed within a period of ten (10) days from the date of expiry of one week period. The 2nd respondent shall report the action taken in this regard.

4. In view of the present order, the interim order dated 16.02.2024 made in W.M.P. (MD) No. 3587 of 2024 stands vacated. Accordingly, this petition is allowed.

5. Post the main Writ Petition on 30.07.2025 for further orders.

sd/-
07/07/2025

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/07/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

The Executive Officer, Palappallam Town Paanchayat,
Kanyakumari District.



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ORDER

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Date :07/07/2025

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