



W.P(MD)No.12596 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12596 of 2014
and
M.P.(MD)Nos.1, 2 and 3 of 2014

Murugan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director (Village Panchayat),
Madurai – 20.

3.Block Development Officer,
Village Panchayat,
Thiruparankundram,
Madurai.

4.The President,
Keelakuilkudi Panchayat,
Keelakuilkudi.

5.Raja

6.R.Kasirajan

7.Pandi

8.Dhanapandi

... 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 Certiorari, calling for the records of the show cause notice issued by the 4th respondent dated 14.07.2014 and quash the same.

For Petitioner : Ms.V.Janaki Devi,
For Mr.A.Parameswaran.

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 & R2.
Mr.T.S.Mohamed Mohideen for R3.
Mr.S.Palanivelayatham for R5 to R8.
No appearance for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned notice issued by the President of the local body / fourth respondent proposing cancellation of the planning permission. In normal circumstances, this Court will not interfere at the stage of show cause notice stage. However, the case on hand is a little different. The petitioner had purchased the petition mentioned lands vide sale deed dated 12.10.2011 and 11.11.2011 from one Raju Thevar. The properties had been classified as grama natham. It



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is well settled that a land classified as grama natham is meant to be a house site and it belongs to the person found in occupation. The Government will not have any power or jurisdiction over the lands classified as grama natham ***[2004 (3) CTC 270 (The Executive Officer, Kadathur vs V. Swaminathan)]***.

3. Some private parties filed O.S.No.381 of 1999 on the file of District Munsif Court, Thirumangalam against the petitioner and his vendor. The suit was dismissed on 10.01.2003. Thereafter the fifth respondent filed W.P.(MD)No.7264 of 2013 for directing the authorities to remove the encroachment allegedly committed by the petitioner herein. The said writ petition was dismissed on 28.11.2013. When once the writ petition filed Raja was dismissed and the local body was also one of the respondents, the question of local body taking action against the petitioner will not arise at all. In the meanwhile, the local body had cancelled the building plan license. The writ petitioner filed W.P.(MD)No.10786 of 2013. The said writ petition was allowed on the same day ie., 28.11.2013.



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4.The Hon'ble Division Bench had taken note of the fact that the petitioner had put up his house only on a land classified as grama natham. When the writ petition filed by Raja was dismissed and the writ petition filed by the petitioner was allowed, the question of local body issuing a fresh notice does not arise at all. In any event, the subsequent developments had vindicated the stand of the petitioner. The learned counsel for the petitioner filed an additional typed set of papers. It is seen therefrom that on 06.10.2015, the Zonal Deputy Thasildar, Madurai West had issued patta in favour of the petitioner in respect of the petition mentioned land. The petitioner had filed W.P.(MD)No.8548 of 2017 for conducting survey. The said writ petition was allowed on 28.04.2017. The property tax has also been subsequently levied by the local body. In these circumstances, the impugned show cause cannot be allowed to stand and it is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

03.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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