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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.Nos.40292 and 48028 of 2025
and W.M.P.Nos.45246, 45247 and 53634 of 2025

W.P.No.40292 of 2025

1.P.Sivaselvam, S/o Perumal Mudaliar,
Pathirapuliyur Village, Tindivanam Taluk, Villupuram District.

2.Vijayalakshmi, W/o Sambandham,
27/2296, Tholkappiar Street, Manju Nagar,
Valudharetti, Villupuram Taluk.

3.Poonkuzhali, D/o Perumal Mudaliar,
Pathirapuliyur Village, Tindivanam Taluk,
Villupuram District.

4.P.Athithan, S/o Perumal Mudaliar,
Pathirapuliyur Village,
Tindivanam Taluk, Villupuram District. .. Petitioners

/versus/

1.The Block Development Officer,
Mailam Panchayat Union,
Mailam, Villupuram Dt.

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2.The President/Executive Officer,
Palapattu Gram Panchayat,
Mailam Panchayat Union,
Palapattu, Villupuram District.

3.R.Vijayasamundeeswari,
No.61/1, Trichy National Highways (NH-45),
Palapattu, Mailam Ondriyan,
Tindivanam Taluk, Villupuram Dt. ..Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Ceritiorari calling for the records of the 1st respondent by proceedings in NA.KA.No.A5/3666/2021, dated 11.09.2025 and quash the same.

For Petitioners :Mr.S.R.Raghunathan for
Mr.Vigneswarar Elango

For Respondents :Mr.B.Sivakollapan, GA for R1 and R2
Mr.M.Govindaraju for R3

W.P.No.48028 of 2025

P.Sivaselvam,
S/o Perumal Mudaliar,
Pathirapuliyur Village,
Tindivanam Taluk, Villupuram District. .. Petitioner

/versus/

1.The Block Development Officer,
Mailam Panchayat Union,
Mailam, Villupuram.

2.The President/Executive Officer,
Palapattu Gram Panchayat,

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Mailam Panchayat Union,
Palapattu, Villupuram District. ..Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's application for regularization dated 31.01.2022 and to pass appropriate Orders on the same in accordance with law, without being prejudiced by any previous Orders of this Hon'ble Court.

For Petitioners :Mr.S.R.Raghunathan for
M/s Alladi Raghul

For Respondents :Mr.B.Sivakollapan, GA

COMMON ORDER

(Order of the Court was delivered by Dr.G.Jayachandran,J.)

The property dispute between the mother-in-law and the daughter -in-law has boiled over to the structure in the disputed land, which is apparently constructed without planning permission. The writ petitioner herein, as a consequence of a series of litigations, is facing the treat of demolition of the building, vide, notice dated 11.09.2025 issued by the Block Development Officer. Challenging the demolition notice, Writ Petition No.40292 of 2025 is filed on the ground that the then President, Palapattu Village, has granted permission for construction of the farmhouse and therefore, the impugned order of demolition is against the constitutional rights of the petitioner.

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2. The learned Government Advocate appearing for the respondents 1 and 2 submitted that after several rounds of litigation and conflicting pleadings between the writ petitioner and one R.Vijayasamundeeswari, it is found that the building permission alleged to have been granted by the then President, Palapattu Village, is not a genuine document and therefore, the authorities have fixed 21.07.2026 as the date for demolition. This has been reported to the First Bench, when a contempt petition came up for consideration.

3. We find that for the very same building, one of the writ petitions sought retention, vide application dated 31.01.2022 and no order has so far been passed, in view of the pendency of the Writ Petition No.20519 of 2021 filed by R.Vijayasamundeeswari. The said Writ Petition No.20519 of 2021 was disposed of with the following directions:-

> "11. In view of the above facts, the 2nd respondent is directed to inspect the property in question and if there is any unauthorised construction put up by the 3rd respondent, the 2nd respondent shall take appropriate action in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

4. The application for retention dated 31.01.2022 has to be considered by the authorities in accordance with law. However, it has not been considered till date. This has prompted the petitioner to file W.P.No.48028 of 2025 seeking Mandamus to direct

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the authorities to consider the petitioner's application for regularisation and pass appropriate orders in accordance with law without being prejudiced by any previous orders of this Court.

5. The learned counsel appearing for the third respondent in W.P.No.40292 of 2025 submitted that after the compromise decree passed in the second appeal in S.A.No.812 of 2013 and the dismissal of the review applications filed by R.Vijayasamundeeswari, a fresh suit has been filed and the same is pending regarding the title over the disputed building.

6. These two writ petitions are not about the title, but about the very existence of the building standing without any permission from the local body. Since an application for retention has already been filed and the same is pending before the authorities, it is appropriate to direct the second respondent to consider the retention application dated 31.01.2022 and pass appropriate orders in accordance with law, dehors the title dispute, within a period of four weeks, from the date of receipt of a copy of this order..

7. In sofar as the prayer in the writ petition No.40292 of 2025 challenging the demolition notice issued under the Tamil Nadu Panchayat Buildings Rules, 1977 is

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concerned, we are of the view that, since the application filed by the writ petitioner for retention/regularisation is pending, we direct the authorities to dispose of it within the aforesaid time frame. Nothing survives for adjudication in the prayer sought in this writ petition and therefore, this Writ Petition No.40292 of 2025 is dismissed as infructuous.

8. In fine,

(i) **W.P.No.48028 of 2025 is disposed of.** The second respondent namely, the President/Executive Officer, Palapattu Gram Panchayat, Mailam Panchayat Union, Palapattu, Villupuram, is directed to dispose of the regularisation application dated 31.01.2022, within a period of four weeks, from the date of receipt of a copy of this order. Till the disposal of the regularisation application, there shall be no coercive action.

(ii)**W.P.No.40292 of 2025 is dismissed as infrucutous.**

(iii)**There shall be no orders as to costs.** Consequently, connected Miscellaneous Petitions are closed.

(Dr.G.JAYACHANDRAN,J.) **(N.MALA,J.)**
09.07.2026

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Index:yes/no
Neutral citation:yes/no

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To

1.The Block Development Officer, Mailam Panchayat Union,
Mailam, Villupuram District.

2.The President/Executive Officer, Palapattu Gram Panchayat,
Mailam Panchayat Union, Palapattu, Villupuram District.

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