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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)Nos.49 to 51 of 2026
and
C.M.P.(MD)Nos.640 and 641 of 2026

P.Sahul Hameed

...Appellant in W.A.(MD)No.
49/2026

P.Azeethu

...Appellant in W.A.(MD)Nos.
50 & 51/2026

Vs.

1.The Director of Town and Country Planning,
Chennai.

2.The Deputy Director of Town and Country Planning,
Madurai.

3.The District Officer,
Department of Town and Country Planning,
Madurai.

4.The Executive Officer,
Peraiyur Town Panchayat,
Madurai District.

...Respondents 1 to 4 in all
appeals

5.L.Sabiullah

...5th Respondent in W.A.
(MD)No.49 of 2026



5.G.Vasanthi

..5th Respondent in W.A.
(MD)No.50 of 2026

COMMON PRAYER:- Writ Appeals – filed under Clause 15 of the Letters Patent, to set aside the order dated 10.12.2025 passed in W.P. (MD)Nos.14597, 13934 and 1305 of 2025 and thereby allow this writ appeal.

For Appellant : Mr.J.Barathan
For Respondents : Mr.S.P.Maharajan (R1 to R4)
Special Government Pleader
Mr.J.Senthil Kumaraiah (R5)

COMMON JUDGMENT

(Judgment of the Court was delivered by **N.SATHISH KUMAR, J.**)

Challenging the common order passed in W.P.(MD)Nos. 14597, 13934 and 1305 of 2025 dated 10.12.2025, these writ appeals have been filed.

2.The brief facts leading to the filing of these writ appeals are as follows:-

The property in issue was originally owned by one Ibrahim Sha. He had executed two settlement deeds in favour of his two brothers, namely Azeethu and Sahul Hameed in the year 2010. Later, the



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said Ibrahim Sha had unilaterally cancelled the two settlement deeds in the year 2012 and thereafter, dealt with that property and sold the same to the third parties. The fifth respondent in W.A.(MD)Nos.49 and 50 are the subsequent purchasers from the said Ibrahim Sha.

(ii)The writ petitioners/appellants herein, challenging the unilateral cancellation, have filed separate suits in O.S.Nos.89 and 90 of 2016 before the District Munsif Court cum Judicial Magistrate Court, Peraiyur and now it is transferred and pending before the VI Additional District Court, Madurai in O.S.Nos.224 of 2024 and 525 of 2025. The private respondents/fifth respondent in W.A.(MD)Nos.49 and 50 of 2026, based on their purchase, have applied for building plan approval and the same has been granted to them on 24.04.2025. Challenging the said building plan approvals granted to the subsequent purchasers, the appellants have filed W.P.(MD)Nos.13934 and 14594 of 2025.

(iii)Further, the appellant in W.A.(MD)Nos.50 and 51 of 2026 had applied for building plan approval and the said application has been rejected citing the pendency of the civil suits. Challenging the said rejection order, W.P.(MD)No.1305 of 2025 has been filed.



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(iv)The learned Single Judge by way of a common order disposed of all the three writ petitions holding that since the suit is pending, the writ petitioners could have very well approached the civil Court seeking interim injunction as against the fifth respondent not to put up any construction and also granted liberty to the appellants in W.A.(MD)Nos.50 and 51 of 2026 to approach the authorities to seek building plan approval depending upon the outcome of the civil suit. Challenging the said finding, these appeals have come to be filed.

3.The learned counsel for the appellants in all the appeals submitted that the suits instituted by the appellants are likely to be disposed of in the near future, and that the stage of recording of evidence has already been completed.

4.He further submits that the unilateral cancellation is void. Such being the position the private respondents, who are the subsequent purchasers during the pendency of the suits, will not have any better right over the subject property. Therefore, the authorities ought not to have granted building plan approval in favour of the private respondents,



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however, on the contrary, the application of the writ petitioner was rejected. Hence, the learned Single Judge is not right in directing the appellants to approach the civil Court.

5. Whereas, the learned counsel for the private respondents submitted that they have purchased an extent of 1314 sq.ft. and 405 sq.ft, respectively, land from their vendors. Only based on the said purchase, the private respondents have applied for planning permission. Hence, they opposed the appeal.

6. Heard the learned counsel appearing on either side and perused the entire materials.

7. Admittedly, the entire issue involved in all these writ appeals relates to the title of the property. The suits in respect of the subject property in O.S.Nos.224 of 2024 and 525 of 2025 are pending seeking to declare the unilateral cancellation deeds as null and void.

8. Since the issue with regard to the validity of the unilateral cancellation is already pending before the civil Court, the private



respondents herein also appear to be *lis pendente* purchasers and their right will also be subject to the result of the suits. However, the authorities have granted building plan permission to the private respondents and rejected the application of the appellants herein citing pendency of the civil suits.

9. The action of the authorities, in our view, is not proper. However, we are of the view that the order of the authorities need not be disturbed. In such view of the matter, we direct the private respondents not to make any construction pursuant to the permission granted to them with regard to the subject property.

10. The above direction is issued keeping in mind that the right of the private respondents will always be subject to the result of the suits pending before the competent civil Courts, since they are the *lis pendente* purchasers.

11. The appellants herein, as directed by the learned Single Judge, shall approach the authorities seeking building plan approval subject to the outcome of the suits.



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12. With the above directions, these writ appeals are disposed of. The trial Court is directed to dispose of the suits as expeditiously as possible without any further delay. No costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
25.03.2026

Index : Yes/No
Internet : Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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