

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.19912 of 2011

M.Gnanamani

... Petitioner

-Vs-

1. The Punitha Thomaiyarmalai
Panchayat Union,
Rep. By its Commissioner,
Punitha Thomaiyarmalai Panchayat Union,
Chitlapakkam,
Chennai 600 064.
2. K.Shanmugavel Mudaliar
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
5. The Tahsildar,
Tambaram Taluk, Tambaram,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in his proceedings D. Dis. 10526/2010/A4 dt 25.2.2011 building permission in P.P. No. 3545/2010-11 dt 25.2.2011 quash the same and further direct the respondents 3 and 4 to take appropriate action as per the directions given in W.A. No. 1248 of 2007 order dt 20.6.2011 passed by this Honourable Court to resume the lands in S. No.210/2 Pozhichalur Village measuring about 5800 sq.ft. covered under the proceedings of the 1st respondent.

For Petitioner : Mr.R.Asokan
For Respondents : No appearance for R-1
: Mr.Ilan Therayan
for M/s.Sai Bharath Ilan
for R-2
: Mr.R.Vijayakumar,
Additional Government Pleader
for RR 3 to 5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, the Vice President of Pozhichalur Panchayat, seeks to raise the issue of the Punitha Thomaiyarmalai Panchayat Union granting planning permission to the second respondent as being erroneous in law.

2.Learned counsel for the second respondent points out that the wife of the petitioner, who was the then President of the Panchayat, had filed a civil suit for injunction in respect of the same issue of planning permission, in which no interim orders were granted and that the suit was ultimately dismissed. He points out that the writ petition was filed at the interregnum stage when the suit was pending, but no order was passed in the interim application. On our query, this position is not disputed on behalf of the petitioner.

3.The second respondent further states that these proceedings are vendetta proceeding as the second respondent had complained against the petitioner, which resulted in an order for removal of the petitioner from the post which she assailed in Writ Petition No.3177 of 2009, which was dismissed on 30.09.2011. It is stated that however, in the meantime, the tenure of the petitioner was also over.

4.The aforesaid facts are sufficient to come to the conclusion that this is a motivated action on part of the petitioner and the concerned authority has issued the planning permission which cannot be called into question by the petitioner.

Writ petition is, accordingly, dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Tahsildar,
Tambaram Taluk, Tambaram,
Kancheepuram District.

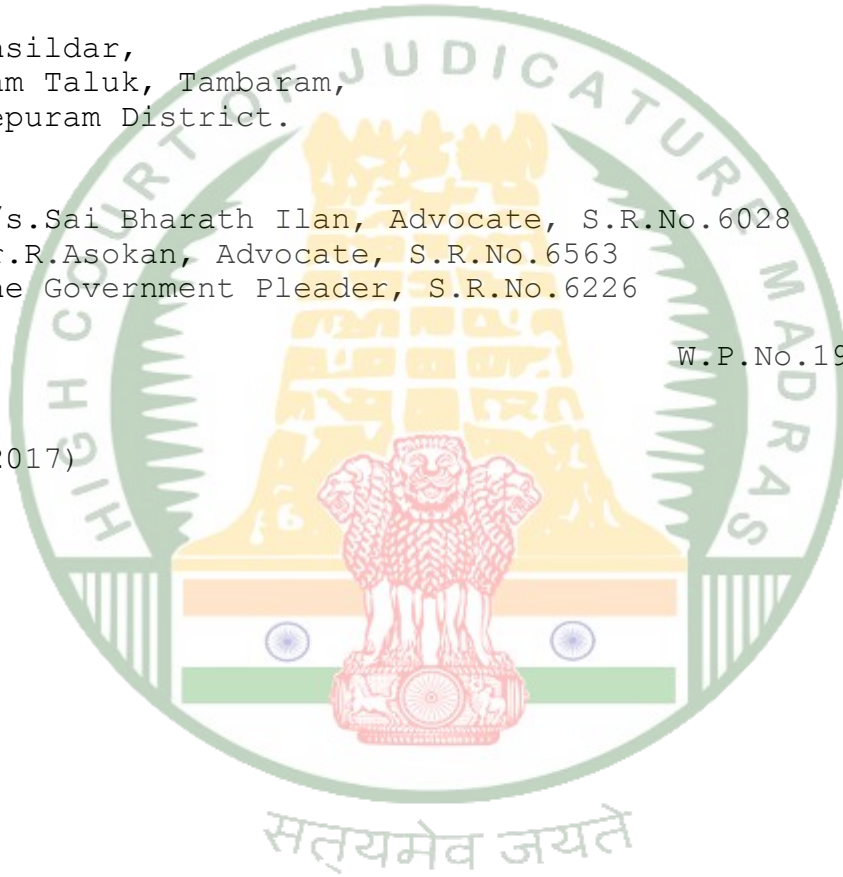
+1cc to M/s.Sai Bharath Ilan, Advocate, S.R.No.6028

+1cc to Mr.R.Asokan, Advocate, S.R.No.6563

+1cc to the Government Pleader, S.R.No.6226

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VSN(CO)
CA(09/02/2017)



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