



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.10595 of 2015
and
M.P (MD) Nos.1 and 2 of 2015

P.Sasi

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.

2. The President,
Nalloor Town Panchayat,
Marthaandam Post,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent pertaining to its resolution bearing No.326 dated 04.12.2012 and quash the same and consequently direct the respondent to accept the taxes for the building constructed in the petitioner's property in Survey No.136/23 of Natallan Village, Kanyakumari District.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the Resolution No.326, dated 04.12.2012, passed by the second respondent and direct the respondents to accept the taxes for the building constructed in the petitioner's property situated in Survey No.136/23 of Natallan Village, Kanyakumari District.

2.The case of the petitioner is that he purchased a property admeasuring 4 cents situated in Resurvey No.136/25 of Nattalam Village and constructed a building therein. He runs a grocery shop as well as a tea shop in the said building. The second respondent dumped garbage adjacent to his shop, for which, he filed W.P(MD)No.1361/2013 before this Court. Having grudge over



the same, without issuing any show cause notice and without affording any opportunity, the second respondent cancelled the plan approval granted in favour of the petitioner, vide Resolution No.326, dated 04.12.2012. Therefore, the petitioner is before this Court.

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3.Heard both sides.

4.The learned Government Advocate appearing for the respondents submitted that for the same subject matter, a civil suit in O.S.No.246 of 2013 is pending before the District Munsif Court, Kulithurai.

5.Since the filing of a civil suit with regard to the issue involved in the writ petition, has not been disclosed, this writ petition is disposed of, granting liberty to the petitioner to get along with the suit in O.S.No.246 of 2013 pending on the file of the District Munsif Court, Kulithurai. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Kanyakumari District, Nagercoil.

+1cc to Mr.S.C.Herold Singh, Advocate in SR.No.69488
+1cc to The Special Government Pleader in SR.No.70603

smn

AE/JC/SAR3/11.08.2017/2P/4C

**ORDER MADE IN
W.P(MD)No.10595 of 2015
and
M.P(MD)Nos.1 and 2 of 2015
02.08.2017**