

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.01.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.31171 of 2017
WMP. No.34215 of 2017

1. S.Ashokan
2. S.Gunasekaran
3. A.Annamalai
4. S.Lakshmi
5. S.Umarani
6. P.Mani
7. K.Adhimoolam
8. S.Dhanalakshmi
9. P.Pasuvan
- 10.J.Dhandapani

...Petitioners

Versus

1. The Collector,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.
3. The Executive Officer,
Kadathur Town Panchayat,
Kadathur Post,
Hardur Taluk,
Dharmapuri District.
4. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.
5. T.Muniraj
District Deputy Secretary,
Dravida Munetra Kazhagam,
Dharmapuri District.
6. Murugan, Secretary,
Viduthalai Siruthaigal Katchi,
Kadathur Post,
Pappireddipatti Taluk,
Dharmapuri District.
7. The Superintendent of Police,
Dharmapuri District.

.. Respondents

[R7-impleaded as per the order of this Court,
dated 05.12.2017 in WMP.No.34635/2017
in W.P.No.31171/2017]

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents 1 to 4 from restricting the petitioners in carrying on their construction activities at Survey No.84/1, Kadathur Village, Dharmapuri District in terms of building plan approval dated 29.11.2016 granted by the Kadathur Panchayat at the instance of the respondents 5 & 6.

For Petitioners : M/s.G.Ethirajulu
For RR1 to 4 & 7 : Mr.N.Inbanathan, G.A.
For RR5 & 6 : No Appearance

O R D E R

The prayer in the writ petition is to issue a writ of mandamus forbearing the respondents 1 to 4 from restricting the petitioners in carrying on their construction activities at Survey No.84/1, Kadathur Village, Dharmapuri District at the instance of the respondents 5 & 6.

2. The case of the petitioners is that they own a land in Survey No.84/1 in Kadathur Village, Dharmapuri District, which was classified as Grama Natham and patta was issued in the name of the petitioners in 1992, however in the year 1999, the patta was cancelled by the Officials. The said proceedings were challenged by the petitioners before this Court in W.P.Nos.382 to 394 of 2001 and the said writ petitions were allowed on 31.01.2003. Writ Appeals were filed against the above order in W.A.Nos.1017 to 1029 of 2004. A Division Bench of this Court dismissed the Writ Appeals upholding the order of the learned Single Judge. Further, the State preferred Civil Appeal before the Apex Court and the same was dismissed. Even after the dismissal of the SLP, no planning permission was granted and hence they again approached this Court by filing W.P.No.471 of 2006. Pursuant to the order of this Court dated 05.08.2008, building permission was issued to all the petitioners, on 29.11.2016.

3. The petitioners have further stated that when they were putting up construction as per the approved plan, at the instance of respondents 5 and 6, the respondents 1 to 4 have instructed the petitioners not to put up the construction. Hence the present writ petition.

4. Heard the learned counsel for the petitioner, and the learned Government Advocate appearing for respondents 1 to 4 and 7. Despite service of notice on the respondents 5 and 6, they have not chosen to appear either in person or through an advocate.

5. The learned Government Advocate on instructions submitted that the official respondents have already granted planning permission to the petitioners and they have no objection in putting up construction as per the approved plan.

6. In the light of the submission of the learned Government Advocate, no further adjudication is required in this writ petition. In future, if there is any interference / obstruction, from the members of the respondents 5 and 6, political parties, the 7th respondent shall take action against them in accordance with law.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs
To

1. The Collector,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.
3. The Executive Officer,
Kadathur Town Panchayat,
Kadathur Post,
Hardur Taluk,
Dharmapuri District.
4. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.
5. The Superintendent of Police,
Dharmapuri District.

+1cc to Government Pleader Sr.No.1856
+1cc to Mr.G.Ethirajulu, Advocate SR.No.1096

sm:7.2.2018

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