



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.16324 of 2017andW.M.P (MD) Nos.12998 and 12999 of 2017

D.Sekar

... Petitioner

vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildhar,
Cheranmahadevi Taluk,
Tirunelveli District.

4.The Local Planning Authority,
No.108, Trivandrum Road,
Palayamkottai, Tirunelveli,
Tirunelveli District.

5.The Executive Officer,
Pathamadaai Town Panchayat,
Tirunelveli District.

6.Mohammed Ali Jinnah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to prevent the illegal conversion of agricultural lands situated in 570, 571, 572 and 574, Pathamadi Village, Tirunelveli District into housing plots through unapproved layout by the 6th respondent, without proper approval under the Tamil Nadu Change of Land use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017.

For Petitioner : Mr.H.Arumugam

For R1 to R4 : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

For R 5 : Mr.Aayiram K.Selvakumar

<https://hcservices.ecourts.gov.in/hcservices/>

For R 6 : Mr.P.R.Prithiviraj

O R D E R

The limited prayer sought for in the present writ petition is that the respondents 1 to 5 should not convert the agricultural lands in Survey Nos.570, 571, 572 and 574 in Padamadai Village Tirunelveli District into housing plots without proper approval from the concerned authorities.

2. The grievance of the petitioner is that he is an adjacent property owner and that he also has a claim over the properties in Survey Nos.570 and 571 and that if the sixth respondent is permitted to convert the agricultural lands into the house sites, he would be seriously prejudiced as he is carrying on agricultural activities in the adjoining lands.

3. The fifth respondent has filed a counter affidavit stating that the sixth respondent's application seeking for conversion of the lands, is now pending with the Director Of Town And Country Planning Department. Since, the fifth respondent is not a proper authority for granting of approval for conversion of lands, they had forwarded the same to the fourth respondent for further action.

4. It is needless to pointout that when a decision is taken by the fourth respondent on the petitioner's application seeking for conversion, the same can only be in accordance with the appropriate Rules and Regulations and as such, the petitioner cannot apprehend that such a conversion would be done in violation of the Rules and Regulations.

5. In my view, the averments in the affidavit are premature and that the petitioner's apprehension that the conversion would be done without proper approval is baseless. Since a final decision is yet to be taken by the fourth respondent as per the averments in the counter affidavit filed by the fifth respondent, if at all the petitioner has any grievance with regard to the conversion sought for by the sixth respondent, it is always open to him to putforth his objections before the concerned authorities. In view of the same no further consideration is required in the present writ petition.

6. Accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>
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Tirunelveli District.

5.The Executive Officer,
Pathamadai Town Panchayat,
Tirunelveli District.

+1cc to M/S.H.Arumugam, Advocate SR.No. 74621
+1cc to Special Government Pleader, SR.No. 74675
+1cc to M/S.P.R.Prithiviraj, Advocate SR.No. 74560

W.P.(MD) No.16324 of 2017
and

W.M.P(MD) Nos.12998 and 12999 of 2017
23.07.2018

das
JM/RP/SAR 1/31.07.2018/3P/9C