

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.17352 of 2018

and

W.M.P.Nos.20615 & 22016 to 22018 of 2018

P.Arivudai Nambi

.. Petitioner

Vs.

1.The Commissioner,
Thiruvettipuram Municipality,
Cheyyar - 604 407.

2.Dhanalakshmi

3.A.Pandiyan

4.A.Thirumavalavan

5.A.Aravazhi @ Aravindan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari calling for the records of the Commissioner, Thiruvathipuram Municipality dated 09.06.2018 relating to the building permission granted with respect to the property bearing D.No.7, Pavadai Murthy Koil Street, Thiruvathipuram, Cheyyar Town, Tiruvannamalai District and made in No.039/BL/2018/00055, No.039/BL/2018/00057 and 039/BL/2018/00056 in favour of the respondents 3 to 5 herein respectively and quash the same.
(Prayer amended as per order dated 27.07.2018 in W.M.P.No.22015 of 2018)

For Petitioner : Mr.N.Damodaran

For Respondents: Mr.P.Srinivas (R1)
Mr.C.T.Prabhakar (R3 to R5)
R2 - no appearance

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been by the petitioner to issue a Writ of certiorari calling for the records of the Commissioner, Thiruvathipuram Municipality dated 09.06.2018 relating to the building permission granted with respect to the property bearing D.No.7, Pavadai Murthy Koil Street, Thiruvathipuram, Cheyyar Town, Tiruvannamalai District in favour of the respondents 3 to 5 and to quash the same.

2.The petitioner has challenged the planning permission dated 09.06.2018 granted in favour of the respondents 3 to 5. It is the case of the petitioner that the land in question belongs to him and therefore, the private respondents have no right to put up construction in the said land. In this regard, the suits in O.S.Nos.12 of 2007 and 34 of 2011 were filed by the parties and the petitioner was not successful in the said suits. Therefore, he filed appeals in A.S.Nos.59 of 2017 and 4 of 2018 before the Additional District Court, Arni and the same are pending.

3.The learned counsel appearing for the respondents submitted that the petitioner would get right only if he succeeds in the said First Appeals.

4.Since the petitioner was not successful before the trial Court in O.S.Nos.12 of 2007 and 34 of 2011 and he has not established his right over the land in question, unless he succeeds in the First Appeals, he shall not have any right over the disputed land. In these circumstances, as of today, the petitioner has got no right to question the impugned planning permission dated 09.06.2018. In these circumstances, there is no merit in the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

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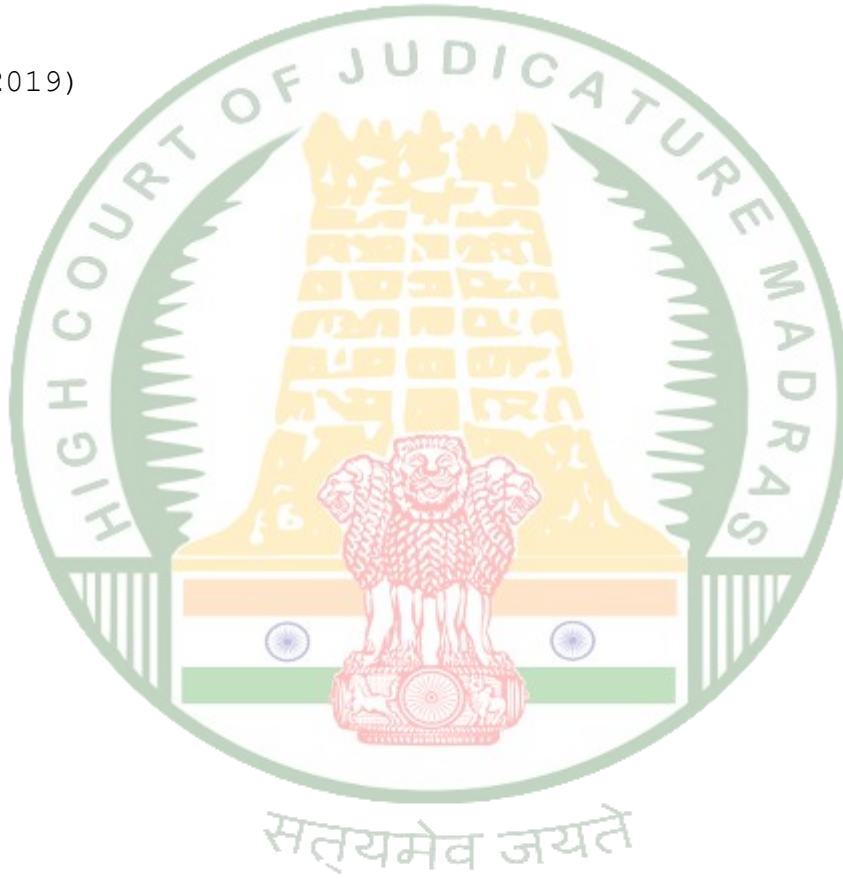
To

1.The Commissioner,
Thiruvettipuram Municipality,
Cheyyar - 604 407.

+1cc to Mr.C.T.Prabhakar, Advocate, S.R.No. 27250
+1cc to Mr.P.Srinivas, Advocate, S.R.No.26588

W.P.No.17352 of 2018 and
W.M.P.Nos.20615 & 22016 to 22018 of 2018

NRL (CO)
GN (22/04/2019)



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