



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.16594 of 2019

and

W.M.P. (MD) No.13231 of 2019

V.Kannaki

... Petitioner

-vs-

1.The District Collector
O/o.the District Collector Office
Sivagangai District

2.The Executive Officer
Thiruppuvanam Town Panchayat
Thiruppuvanam
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the second respondent in his proceedings in ந.க.எண்.550/2019 dated 27.06.2019 and quash the same as illegal and consequentially to direct the second respondent to regularize the petitioner construction in Plot No.340 situated in S.No.1/6 in T.Nelmudikarai Thiruppuvanam, Thiruppuvanam Post, Sivagangai District, by considering the petitioner's application dated 20.06.2019 on merits and in accordance with law, within a period stipulated by this Court.

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for R1
Mr.M.Pandiyarajan
Government Advocate for R2

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner has filed this writ petition challenging the order passed by the second respondent, dated 27.06.2019, by which her request for approval of the building constructed by her and



regularization has been rejected on the ground that Patta has been granted illegally, because the subject land is in the riverbed.

2. The petitioner if had proposed to put up construction, then ought to have obtained building plan and then, put up construction. In the instant case, it is an admitted case that no such planning permission was obtained prior to commencement of the construction. Precisely, for this reason, now, the petitioner wants regularization.

3. In the counter affidavit filed by the second respondent, it is stated that the District Collector has issued an embargo and communicated to all the Sub-Registrars not to entertain any documents for registration, because the subject land is in the riverbed. If the land in question is actually in the riverbed, then the question of granting Patta would not arise. Then, the issue would be how Patta was granted. Obviously, without the collusion of the revenue officials, Patta could not have been issued.

4. The learned Senior Counsel for the petitioner would submit that the land in question is not in the riverbed and in support of the same, there are several revenue records.

5. We direct the District Collector, Sivagangai District, to conduct an enquiry into this and direct the concerned Authority to issue notice to the petitioner and others with regard to the grant of Patta for the subject land and and take action in accordance with law. This direction be complied with within a period of four weeks from the date of receipt of a copy of this order. Till the action is initiated and orders are passed pursuant to the above directions, the respondents are directed not to demolish the petitioner's building and the petitioner shall enjoy the building subject to the outcome of the above directions with a condition that she shall not alter the physical features of the building or create any encumbrance over the subject property.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

Krk



To:

1.The District Collector,
O/o.the District Collector Office,
Sivagangai District.

2.The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam,
Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-101827[F] dated
27/11/2019)

+1 CC to M/s.SPL GP (SR-102435[F] dated 28/11/2019)

W.P. (MD) No.16594 of 2019

and

W.M.P. (MD) No.13231 of 2019

26.11.2019

(2/2)

kmv (CO)

TR(16.12.2019) 3P 5C