



WEB COPY

W.P(MD)No.19415 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.19415 of 2019

R.Annakodi

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Executive Officer,
Usilampatti Town Panchayat,
Usilampatti,
Madurai District.

3.C.Rajendran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent either to grant permission to the petitioner to dismantling the petitioner's properties in Natham S.No.240/18, T.S.No.62, Ward No.6, Door No.88 and 89 and New Door No.436 and 437 Usilampatti Town Panchayat, Limit Madurai District or to demolish the offending construction put up by the petitioner's vendor's ancestors in New Door No.87 and 88 in ward No.6 and new Door No.436 and 437, Usilampatti Town Panchayat Limit, Madurai District.

For Petitioner : Mr.J.John

For R1 : Mr.A.K.Baskara Pandian
Special Government Pleader

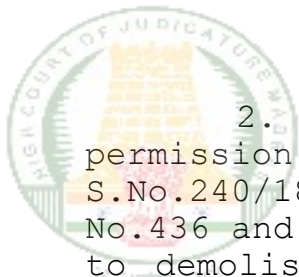
For R2 : Mr.K.Mahendran

For r3 : Mr.J.Bharathan

ORDER

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

Heard Mr.J.John, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the first respondent, Mr.K.Mahendran, learned counsel for the second respondent and Mr.J.Bharathan, learned counsel for the third respondent. By consent on either side, this writ petition is taken up for final disposal.



2. The petitioner has filed this writ petition seeking permission to dismantle the petitioner's properties in Natham S.No.240/18, T.S.No.62, Ward No.6, Door No.88 and 89 and New Door No.436 and 437 Usilampatti Town Panchayat, Limit Madurai District or to demolish the offending construction put up by the petitioner's vendor and their ancestors in New Door No.87 and 88 in ward No.6 and new Door No.436 and 437, Usilampatti Town Panchayat Limit, Madurai District.

3. After hearing the parties, we find that there is a pending civil suit between the petitioner and the third respondent. The petitioner has filed an eviction petition against the third respondent before the Rent Control Court on the ground of own occupation and it is stated that the said petition was dismissed. Further, it is submitted that the petitioner claims to have purchased the property from two sons of one Irulaiammal and since the property was endowed to a trust, permission was sought for to sell the property and the said petition was dismissed.

4. Considering all these factors, it will be impracticable for the second respondent to take a decision in the matter, because there is a serious dispute between the petitioner and the third respondent. Therefore, we leave it open to the petitioner to establish her right before the appropriate forum and pursue all other remedies and ultimately after establishing her right, it will be open to the petitioner to take appropriate action. Needless to state that if there is any unauthorized construction put up by any party including the third respondent, it goes without saying that the Commissioner, Usilampatti Town Panchayat, Usilampatti shall take action. We direct the Executive Officer / second respondent to inspect the building and proceed in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

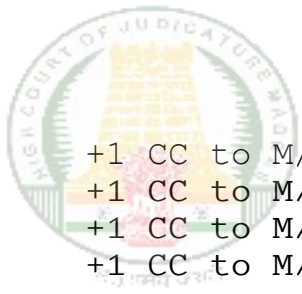
Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS-)

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Executive Officer,
Usilampatti Town Panchayat,
Usilampatti, Madurai District.



- +1 CC to M/s.K.MAHENDRAN, Advocate (SR-95886[F] dated 04/11/2019)
- +1 CC to M/s.SPL GP (SR-96090[F] dated 05/11/2019)
- +1 CC to M/s.G.JEREMIAH, Advocate (SR-96169[F] dated 05/11/2019)
- +1 CC to M/s.T.R.JEYAPALAM, Advocate(SR-96241[F] dated 05/11/2019)

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