



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.19993 of 2019

WEB COPY

1.N.P.Pandi

... Petitioner

Vs.

1.The Block Development Officer,
Panchayat Union Office,
Chellampatti, Usilampatti Taluk,
Madurai District.

2.Padivu Thevar

... Respondents

(2nd respondent is impleaded as per order dated 01.11.2019 in
W.M.P.(MD)No.17886 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondent to accord permission to construct the residential building in petitioner's house plot comprised in Survey No.14/1B at Kodikulam Village, Usilampatti Taluk, Madurai District, based on the petitioner's representation dated 22.07.2019 and 30.08.2019.

For Petitioner : Mr.R.Murugan
For R1 : Mr.M.Rajarajan,
Government Advocate.

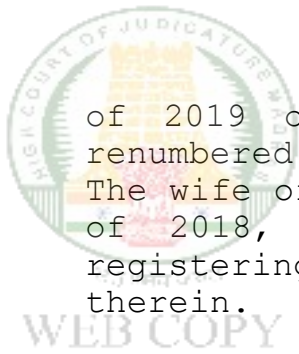
For R2 : Mr.V.Sukumar

O R D E R

This Writ Petition has been filed to direct the respondent to accord permission to construct the residential building in petitioner's house plot comprised in Survey No.14/1B at Kodikulam Village, Usilampatti Taluk, Madurai District, based on the petitioner's representation dated 22.07.2019 and 30.08.2019.

2.The petitioner seeks a direction for grant of planning approval to construct a house in his property.

3.Whereas the contesting respondents would submit that the second respondent filed a suit in O.S.No.131 of 2018 for declaring the contesting respondents as legal heir and the suit in O.S.No.454



of 2019 on the file of the Sub Court, Madurai, which is now renumbered as O.S.No.302 of 2019 for partition, which are pending. The wife of the petitioner filed a writ petition in W.P.(MD)No.17935 of 2018, for direction forbearing the fourth respondent from registering any of the deed executed by the seventh respondent therein.

4.The question of declaration of legal heirs and partition are pending, this Court cannot grant the relief as prayed by the petitioner.

5.The entire issue involved is a civil dispute, therefore, the Writ Petition is not maintainable and accordingly, dismissed. It is open to the petitioner to approach the appropriate forum for appropriate relief, after getting declaration of title in his favour. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

das

To

The Block Development Officer,
Panchayat Union Office,
Chellampatti, Usilampatti Taluk,
Madurai District.

+1CC TO MR.V.SUKUMAR, Advocate Sr. No.95866

+1CC TO MR.R.MURUGAN, Advocate Sr. No. 95789

W.P(MD)No.19993 of 2019

01.11.2019

DB(CO)

TR(25.11.2019)2P 4C