



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD).No.15605 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

P.G.Lakshmivasan,
Secretary,
Pachayappa High School,
Uppukottai,
Bodinayakkanur Taluk,
Theni District.

.. Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Deputy Director of Town & Country Planning,
No.4, Hakkeem Ajmal Khan Road,
Chokkikulam, Madurai - 625 002.

3.The President,
Uppukottai Panchayat,
Theni District.

4.Saraswathi

5.K.Sukumar

6.K.Sinnarasu

.. Respondents

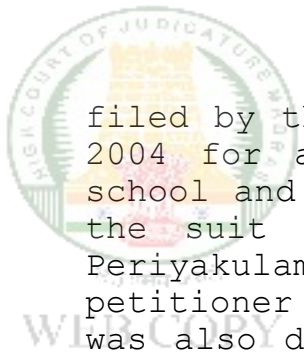
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 to take appropriate steps to stop the construction of marriage hall by the respondents 4 to 6 in the property in S.No.361/3, measuring 88 cents and in S.No.361/2, measuring about 6 cents in Uppukkottai Village, Uthamapalayam Taluk in Theni District.

For Petitioner	: Mr.R.Suriyanarayanan
For Respondent	: Mr.A.Thyagarajan
1 to 3	Government Advocate
For Respondents 4 to 6	: Mr.S.Kadarkarai

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents 1 and 2 to take appropriate action to stop the construction of marriage hall by the respondents 4 to 6 in the property measuring 88 cents in Survey No.361/3 and 6 cents in Survey No.361/2 in Uppukottai Village, Uthamapalayam Taluk, Theni District.

2.The grievance of the petitioner is that the respondents 4 to 6 have started construction without getting planning permission or plan approval from the authorities concerned. It is also stated that there is a dispute in relation to the land in which the construction was proposed. The petitioner admit that a suit was



filed by the petitioner as Secretary of the School in O.S.No.48 of 2004 for a declaration that the land belong to the petitioner's school and consequential relief of injunction. It is admitted that the suit in O.S.No.12 of 1993 on the file of the Sub Court, Periyakulam, was dismissed and the further appeal filed by the petitioner in A.S.No.25 of 2010 on the file of the Sub Court, Theni, was also dismissed. Though it is stated that a second appeal has been filed and pending, no interim order is obtained by the petitioner.

3.The learned Counsel appearing for the respondents 4 to 6 produced before this Court the building plan approval granted to them for putting up a construction. It is also stated by the respondents that the building has been put up and it is also assessed to property tax. Since the petitioner has come forward with a prayer to direct the respondents 1 and 2 to stop the construction of the marriage hall by respondents 4 to 6 in the disputed property, this Court is of the view that the prayer in the Writ Petition has become infructuous because of the completion of the construction. If the petitioner has filed second appeal before this Court, he can seek appropriate interim order. Having regard to the facts and circumstances of this case, the Writ Petition is devoid of merits and accordingly, dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

Sub Assistant Registrar(CS)

SRM

To

1.The District Collector,Theni District.

2.The Deputy Director of Town & Country Planning,
No.4, Hakkeem Ajmal Khan Road,
Chokkikulam,Madurai - 625 002.

3.The President,
Uppukottai Panchayat,Theni District.

+1 CC to M/s.S.KADARKARAI, Advocate (SR-103955[F]

ORDER MADE IN

W.P. (MD) No.15605 of 2015

06.12.2019

SMA/06/01/2020/2P/5C