



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND**

THE HONOURABLE MRS. JUSTICE S.ANANTHI

**W.P. (MD)No.2933 of 2021
(Through Video Conferencing)**

M.Jeyabose : Petitioner

Vs.

1.The Director
O/o. Director of Panchayats
Kurazhagam, Chennai.

2.The District Collector,
Collectorate,
Thoothukudi District,
Korampallam,
Thoothukudi.

3.The Assistant Director of Panchayat,
O/o. AD Panchayat,
Collectorate, Kokirakulam
Tirunelveli, Tirunelveli District.

4.The Deputy Director of Town and Country Planning
Tirunelveli Region,
Xavier Colony
South Bye-pass Road, Tirunelveli-627 005.

5.The Executive Officer,
Special Panchayat Board,
Tiruchendur,
Thoothukudi District.

6.Subramanian

7.T.S.Mani Nadar

8.T.Ponkumar

9.S.Praveen : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the 5th



respondent to implement its proceedings in Na.Ka.No.71/2019 dated 31.03.2019 by considering the petitioner's representation dated 12.06.2020 and further direct the 5th respondent to remove the illegal and unauthorized construction made in Re-survey Nos.254/1, 254/3, 255/5B (now subdivided as 254/1A, 254/1B, 254/3, 255/5B1, 5B2) situated at Bharathiyar Street, Keela Tiruchendur Village, Tiruchendur Town Panchayat, Thoothukudi District.

For Petitioner : Mr.Rajiv Rufus

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader for R1 to R4

Mr.M.Pandiarajan ,
Additional Government Pleader for R5

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who already filed a suit on the file of the Sub Court, Tiruchendur, in O.S.No.46/19 for specific performance, seeks a writ of mandamus to direct the 5th respondent to implement the proceedings in Na.Ka.No.71/2019 dated 31.03.2019 by considering the representation dated 12.06.2020.

2.Since we are not issuing any positive mandamus, there is no need to hear the private respondents.

3. It appears that appropriate approval has already been granted by the respondent No.4 in favour of the private respondents for approval and lay out. On the representation made by the petitioner, the respondent No.5 has sought for a legal opinion before proceeding further.

4. In view of the above, we do not find any reason to entertain this writ petition and grant the relief as sought for. The petitioner can very well seek appropriate orders in the pending suit. Admittedly, as of today, the petitioner is only an agreement holder. Therefore, we are not inclined to say anything on merit except by directing the respondent No.5 to take a call in pursuant to the communication sent by the respondent No.4 and on the representation of the petitioner dated 12.06.2020. We make it clear that the respondent No.5 shall take a decision, after getting legal opinion as indicated in the communication dated 05.11.2020 within six weeks from the date of receipt of a copy of this order.



5. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director

O/o. Director of Panchayats
Kurazhagam, Chennai.

2.The District Collector,

Collectorate,
Thoothukudi District,
Korampallam, Thoothukudi.

3.The Assistant Director of Panchayat,

O/o. AD Panchayat,
Collectorate, Kokirakulam
Tirunelveli, Tirunelveli District.

4.The Deputy Director of Town and Country Planning

Tirunelveli Region,
Xavier Colony
South Bye-pass Road, Tirunelveli-627 005.

5.The Executive Officer,

Special Panchayat Board,
Tiruchendur, Thoothukudi District.

+1 CC to Mr.V.RAJIV RUFUS, Advocate (SR-5553[F] dated 17/02/2021)

+1 CC to SPL GP (SR-5681[F] dated 17/02/2021)

Order made in

W.P. (MD)No.2933 of 2021

Dated: 16.02.2021

KM (26.02.2021) 3P 8C