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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Nineteenth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

SUB A(MD) No.142 of 2020

IN

CONT P(MD) No.264 of 2016

PONNANGAN ... PETITIONER/PETITIONER/PETITIONER
IN SUB A(MD) No.142 of 2020

PONNANGAN ... PETITIONER/PETITIONER
IN CONT P(MD) No.264 of 2016

Vs

1 SIVARASU
DISTRICT COLLECTOR,
TRICHY DISTRICT, TRICHY. ..1ST RESPONDENT/CONTEMNOR/1ST RESPONDENT

2 R.PUSHPAVALLI
THE PRESIDENT,
KAMBARASAMPETTAI PANCHAYAT,
TRICHY DISTRICT. ... 2ND RESPONDENT/PROPOSED 2ND RESPONDENT/
3RD RESPONDENT
IN SUB A(MD) No.142 of 2020

K.S.PALANISAMY
DISTRICT COLLECTOR,
TRICHY DISTRICT, TRICHY. ...CONTEMNOR/1ST RESPONDENT
IN CONT P(MD) No.264 of 2016

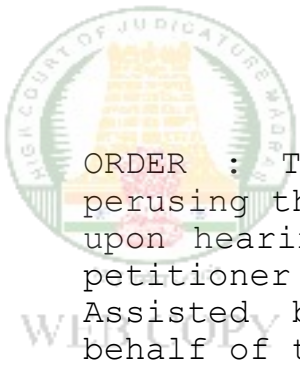
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the 2nd respondent herein as a 2nd respondent in the above contempt petition.

Prayer in CONT P(MD). 264 of 2016 :

To issue notice to the respondent herein and punish him for his willful and deliberate disobedience of the order passed by this Honourable Court in WP.(MD).No.5905/2015, dated 17.06.2015.

Prayer in WP(MD). 5905 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent to take action against the 3rd respondent for issuance of No Objection Certificate for conversion of agricultural lands into house plots, as per the representation of the petitionenr dated 11.03.2015 particularly in respect of lands in Survey NOS. 146/5, 60/5 60/6 and 60/7 situated at Kambarasampettai Panchayat, Trichy District and pass any further or other orders.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.ANANDHAVALLI, Advocate for the petitioner and of MR.VEERAKATHIRAVAN, Additional Advocate General Assisted by MR.S.SHANMUGAVEL, Additional Government Pleader on behalf of the Respondents the court made the following order:-

I find no *bone fide* in the request of the petitioner herein.

2. There were lands in S.Nos.146/5, 60/5, 60/6 and 60/7 in Kambarasampatti Panchayat in Trichy District. It is claimed that those lands were originally agricultural lands. There was a proposal made to convert the agricultural lands into house plots. For this particular purpose, a No Objection Certificate is required. It is claimed that the President of Kambarasampatti Panchayat in Trichy District had granted a No Objection Certificate or had contemplated granting No Objection Certificate.

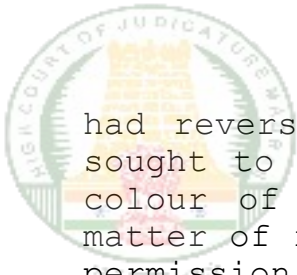
3. Questioning that particular act, the Writ Petitioner had given a representation on 11.03.2015 seeking to take action against the President. This representation had been directed to the District Collector, Trichy District.

4. The Writ Petition came up for consideration on 17.06.2015 and the learned Single Judge, before whom the Writ Petition came up, had given a direction that the representation of the petitioner should be considered after issuing notice to the petitioner and to any other persons, who would have interest in any order passed on the said representation.

5. Thereafter, probably because no specific action has been taken, the petitioner filed Contempt Petition in Cont.P.(MD)No.264 of 2016. The said Contempt Petition came up for hearing on 21.09.2017 and on that date, the Court was presented with an order, dated 06.09.2017 in Na.Ka.No.1720/2015/A9. Recording that an order had been passed based on the representation of the petitioner, the Contempt Petition was closed.

6. The matter should have ended there. There had been further development, namely, as stated by the learned Counsel for the petitioner that as on date, in those particular lands, which should have remained as agricultural lands, the President had given an approval for putting up a construction to a third person. This has necessitated the petitioner herein to file a sub application in Sub.A(MD)No.142 of 2021, which application is now before this Court.

7. In the said application, the relief sought is to implead the second respondent, namely, the President, Kambarasampatti Panchayat in Trichy District, by name. The named individual, namely, the second respondent, was not a party before the Writ Petition. It appears that the second respondent, who is sought to be impleaded,



had reversed the earlier order and thereby, the lands, which were sought to be retained as agricultural lands, now have taken up the colour of lands, in which construction could be put up and as a matter of fact, it is claimed that the second respondent had granted permission to put up construction for a named third person.

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8.If that be the case and if the petitioner is aggrieved by that particular act, then the petitioner may take necessary proceedings with respect to the same. Filing a Sub Application and binding a party, who was not a party to the Writ Petition and bringing the said party into the fold of the Contempt Petition, cannot be the solution. If an order had been passed granting approval for construction of a house or to put up any other construction in the lands, which originally were agricultural lands and even if their Sub Application is to be allowed and the second respondent were to be impleaded, in the absence of any relief calling upon the second respondent to cancel any such permission granted, an effective order can never be passed.

9.The petitioner may work out his remedy in a separate proceedings by challenging the order granting approval of construction.

10.With the said observations, this Sub Application is dismissed.

sd/-

19/11/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 MR.SIVARASU
DISTRICT COLLECTOR,
TRICHY DISTRICT, TRICHY.

2 MR.K.S.PALANISAMY
DISTRICT COLLECTOR,
TRICHY DISTRICT, TRICHY.

+1CC TO M/S.J.ANANDHAVALLI ADVOCATE SR.NO.35380
+1CC TO SPECIAL GOVERNMENT PLEADER SR.NO.35498

ORDER

IN

SUB A(MD) No.142 of 2020

IN

CONT P(MD) No.264 of 2016

Date :19/11/2021