



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18856 of 2021

J.T.P.Thirumalaishankar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.

3.The Assistant Commissioner,
Tirunelveli Corporation,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to the third respondent to consider and pass order on the petitioner's representation dated 04.09.2021 within a stipulated time.

For Petitioner : Mr.M.Maharaja
For R1 : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks to prevent the grant of plan sanction or building permit to one Raghu Ramaiah represented by his power of attorney, Gowcilynathan @ Baskar.

2.Mr.K.S.Selva Ganesh, learned counsel for the State, accepts notice for the first respondent.

3.The admitted position is that the petitioner is not the owner of the property bearing S.No.5/2. Indeed, it appears from the affidavit in support of the writ petition that the land bearing S.No.5/2 is owned by Raghu Ramaiah. While the petitioner alleges that the said Raghu Ramaiah intends to undertake construction in an area larger than the area specified in the relevant plan sanction, no evidence has been produced to substantiate the said allegation. Significantly, the petitioner has not joined either Raghu Ramaiah or the agent Gowcilynathan @ Baskar as a party to a writ petition by which he seeks to prevent the grant of plan sanction or building permit to them.



4.For reasons set out above, the present writ petition is not maintainable. Therefore, W.P.(MD).No.18856 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to institute independent legal proceedings in respect of the property said to be purchased by the petitioner from Raghu Ramaiah through his agent or to institute fresh proceedings, if the petitioner has actionable evidence that the construction on the adjacent property infringes his rights in any manner.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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 District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.
- 3.The Assistant Commissioner,
Tirunelveli Corporation,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-32573[F] dated 26/10/2021)

W.P(MD).No.18856 of 2021
25.10.2021

NSN (CO)
RS/PM (10.11.2021) 2P 5C