



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

WEB COPY

W.P. (MD)No.20035 of 2020 and
W.M.P. (MD)Nos.16681 and 16682 of 2020

S.Sivanu @ Sivanupandian : Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Tahsildar,
Kadayanallur, Taluk, Tenkasi District.

3.The Block Development Officer,
Kadayanallur Panchayat Union,
Tenkasi District.

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.A3/269/2018, dated 11.02.2020 and quash the same and consequently, to direct the third respondent to grant building plan approval to the petitioner.

For Petitioner	:Mr.K.Navaneetharaja
For R1 and R2	:Mr.B.Bhagavathi Government Advocate
For R3	:Mr.C.Ramesh Special Government Pleader

ORDER

The case of the petitioner is that he was allotted a house site with an extent of 2 cents in S.No.201 in Idaikal Village under the scheme for assignment of lands to the landless poor. The allotment was made to the petitioner on 13.10.1995. The petitioner, after the allotment was made, appears to have constructed a thatched house in the place.

2.The petitioner has decided to construct a concrete house in the allotted place and he approached the third respondent for grant of approval for the construction. The petitioner has also submitted a building plan and also the assignment order issued in



his favour. At this, the third respondent issued a communication, dated 11.02.2020 stating that the land belonging to the Panchayat and directed the petitioner to apply for patta and on such production, his approval application would be processed. Challenging the said communication, the petitioner is before this Court.

WEB COPY

3. According to the petitioner, the impugned communication is not valid and untenable, as the petitioner had enclosed the assignment order issued by the Tahsildar concerned, dated 13.10.1995. The petitioner has also averred that there was some rival claim by some group of people a few years before, for which, the petitioner has also approached this Court in W.P.(MD)No.7675 of 2018. However, the Writ Petition was disposed of by this Court, on 04.07.2018, directing the petitioner to submit his explanation, as what was the subject matter of the Writ Petition was only a show cause notice. However, notwithstanding the same, the present communication, dated 11.02.2020, has been issued and challenging the same, the petitioner is before this Court.

4. From the above narrative, it could be seen that the third respondent appears to have not come to any definite conclusion, as to the petitioner's entitlement to the land in question, for which he seeking approval of the building plan. In any event, it is open to the petitioner to pursue his remedy with the third respondent and any final order is passed, then the petitioner may have a cause of action, in case he is not satisfied with the order of the third respondent. The petitioner may take appropriate steps to obtain patta for the land in question and in case the same is rejected on the ground stated by the third respondent, it is open him at that point of time to work out his remedy in a manner known to law. But, it is certainly not open to the petitioner to approach this Court at this stage and seek a Mandamus from this Court.

5. In view of the above, this Writ Petition is dismissed on the ground of being premature. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



WEB COPY

To

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Tahsildar,
Kadayanallur, Taluk, Tenkasi District.
- 3.The Block Development Officer,
Kadayanallur Panchayat Union,
Tenkasi District.

+1 CC to SPL GP (SR-6153[F] dated 19/02/2021)

W.P. (MD)No.20035 of 2020
18.02.2021

KM (16.03.2021) 3P 5C