



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

and

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD) No.20166 of 2021

and

W.M.P.(MD) No.16865 of 2021

WEB COPY

S.Nagarajan

... Petitioner

-vs-

- 1.The District Collector,
Office of the District Collector,
Madurai District, Madurai.
- 2.The Assistant Director of Town and Country Planning,
Office of the Assistant Director of Town and Country Planning,
Chinnachokkikulam, Madurai.
- 3.The Block Development Officer,
Vadipatti Block, Union Office Building,
Meattu Neereathan Road,
Vadippatti, Madurai District.
- 4.The President of Mealakkal Panchayat,
Office of the President of Mealakkal Panchayat,
Mealakkal, Vadippatti Taluk, Madurai District.
5. G.Mariyammal
6. G.Ganesan
7. G.Gurusamy
8. G.Nambirajan
9. G.Nagarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to take appropriate action to stop the unauthorised construction made by the respondents 5 to 9 in S.No.544/2B of Mealakkal Village, Vadippatti Taluk, Madurai District without prior planning permission from the concerned authorities and demolish the unauthorised constructions.

For Petitioner : Mr.Karthikeyan.N.S
For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 to R4
Mr.M.Venkatesan for R5 to R9



O R D E R

**[Order of the Court was made by
The Hon'ble ACTING CHIEF JUSTICE]**

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Pursuant to the directions of this Court, the respondents 3 and 4 are present before this Court. The learned Government Pleader appearing for them submits that since it was inter-party dispute pending in the civil suit, action was not taken by them. It is more so, when initially in the pending civil suit for cancellation of sale deed, interim order was passed in favour of the petitioner, but was closed subsequently. Thus, the respondents 3 and 4 were *bonafide* in not taking action in the matter due to *inter se* dispute between the parties.

2. The petitioner prays for withdrawal of the writ petition with liberty to take other remedy under the common law which means to file appeal or revision against the order to close the interim order made by the petitioner in the pending civil suit for cancellation of the sale deed.

3. The presence of the respondents 3 and 4 is dispensed with.

4. The writ petition is dismissed as withdrawn with liberty as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk/pkn

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,
Office of the District Collector,
Madurai District, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Assistant Director of Town and Country Planning,
Office of the Assistant Director of Town and Country Planning,
Chinnachokkikulam, Madurai.

3.The Block Development Officer,
Vadipatti Block, Union Office Building,
Meattu Neereathan Road,
Vadippatti, Madurai District.

4.The President of Mealakkal Panchayat,
Office of the President of Mealakkal Panchayat,
Mealakkal, Vadippatti Taluk, Madurai District.

+1 CC to M/s.M.VENKATESAN, Advocate (SR-40286[F] dated 23/12/2021)

+1 CC to M/s.SPL GP (SR-39948[F] dated 22/12/2021)

W.P. (MD) No.20166 of 2021

and

W.M.P. (MD) No.16865 of 2021

21.12.2021

SAR (CO)

GC(31.12.2021) 3P 7C