



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.749 of 2014

WEB COPY

S.Sivabalan

: Petitioner

Vs.

1.The Executive Officer
Nachangulam Panchayat,
Velayuthapattanam Post,
Devakottai Taluk,
Sivaganga District.

2.The President
Nachangulam Panchayat,
Velayuthapattanam Post,
Devakottai Taluk,
Sivaganga District.

3.Viswanathan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate legal action as per the provisions of the Panchayat Act and District Municipalities Act regarding the violations of Building Rules by the 3rd respondent herein in the light of the representation of the petitioner, dated 26.08.2013.

For Petitioner	: Mr.R.Sundar Srinivasan
For Respondents 1 & 2	: Mr.J.Gunaseelan Muthiah
For 3rd Respondent	: Mr.M.S.Jeyakarthick

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The Writ Petitioner seeks for a direction upon the respondents 1 and 2 to take appropriate legal action as per the provisions of the Panchayat Act and District Municipalities Act, regarding the violations of Building Rules by the 3rd respondent, by considering his representation, dated 26.08.2013.

2.The second respondent has filed a counter affidavit. The relevant portion of the counter reads as follows :

"4. I humbly submit that with regard to para 4

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the allotment of house issued under the solar power green scheme was cancelled by the Block Development Officer to that effect the 3rd respondent has repaid the amount of Rs.32,000/- to the 2nd respondent herein. Moreover I humbly submit that the 3rd respondent is not at all beneficiary of the solar power scheme. As the 3rd respondent had built two houses in Natham Poromboke land of which the adjoining land belongs to the petitioner herein.

5. I humbly submit that the petitioner contention is that the 3rd respondent had build house in the petitioner property of S.No.40/22. Here the dispute arise between two individual parties. However the writ petitioner had previously filed a civil Suit of O.S.No.20 / 2013 on the file of the Sub Court, Devakkottai, which was withdrawn by the writ petitioner due to the some mistake in Survey number. From the above facts it is crystal clear that the writ is not maintainable under law. However the writ petitioner has alternative remedy to approach the civil forum which is sustainable under law."

3.In the light of the fact that the house allotted under the Solar Green Scheme has already been cancelled and the third respondent has repaid the amount of Rs.32,000/- (Rupees Thirty Two Thousand only), nothing further survives on the said allegations. With regard to the other survey number, namely, S.No.40 of 22, it appears that there was a civil dispute and the suit filed by the petitioner, was also withdrawn.

4.In such circumstances, it is open to the petitioner to pursue his remedy before the appropriate forum.

5.With the above observation, the writ petition is disposed of. No costs.

Sd/-

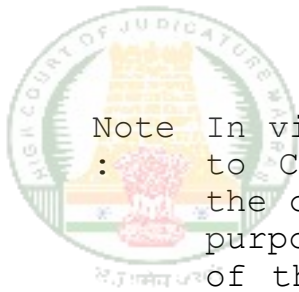
Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

RM



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.

+1 CC to M/s.R.SUNDARSRINIVASAN, Advocate (SR-19838[F] dated 22/06/2021)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-19824[F] dated 22/06/2021)

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