



W.P(MD)Nos.13629,13630,14580 and 14581 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.13629, 13630, 14580 and 14581 of 2012

and

M.P(MD)Nos.1,1,2,2,3 and 3 of 2012

W.P(MD)No.13629 of 2012:

- 1.Lakshmanan Asari
- 2.Kumara Sankara Narayanan
- 3.Madhuram
- 4.Jayabharathi
- 5.Arjunan
- 6.Ramesh
- 7.Subramaniya Thevar
- 8.Sundaram
- 9.Subbulakshmi Ammal
- 10.V.Chandra Sekaran
- 11.Ramian Thevar

... Petitioners

Vs.



W.P(MD)Nos.13629,13630,14580 and 14581 of 2012

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1.The Executive Officer,
Town Panchayat,
Naranammalpuram,
Tirunelveli District.

2.U.Samivelar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Ka.Aa.No.57/2012-13 dated 28-08-2012 and quash the same as illegal.

W.P(MD)No.13630 of 2012:

- 1.Lakshmanan Asari
- 2.Kumara Sankara Narayanan
- 3.Madhuram
- 4.Jayabharathi
- 5.Arjunan
- 6.Ramesh
- 7.Subramaniya Thevar
- 8.Sundaram
- 9.Subbulakshmi Ammal
- 10.V.Chandra Sekaran



W.P(MD)Nos.13629,13630,14580 and 14581 of 2012

11.Ramian Thevar

... Petitioners

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Vs.

1.The Executive Officer,
Town Panchayat,
Naranammalpuram,
Tirunelveli District.

2.Sornammal

3.Pitchiah

4.Durairaj

5.Murugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Ka.Aa.No.58/2012-13 dated 28-08-2012 and quash the same as illegal.

W.P(MD)No.14580 of 2012:

Pasupathi

... Petitioner

Vs.

1.The Executive Officer,
Town Panchayat,
Naranammalpuram,
Tirunelveli District.

2.Sornammal



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3.Pitchiah

4.Durairaj

5.Murugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Ka.Aa.No.58/2012-13 dated 28-08-2012 and quash the same as illegal.

W.P(MD)No.14581 of 2012:

Pasupathi

... Petitioners

Vs.

1.The Executive Officer,
Town Panchayat,
Naranammalpuram,
Tirunelveli District.

2.U.Samivelar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Ka.Aa.No.57/2012-13 dated 28-08-2012 and quash the same as illegal.



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For Petitioners : Mr.T.Selvan
(In all cases)

For R1 : Mr.N.Muthuvijayan
Special Government Pleader
(In all cases)

For Private
Respondents : No Appearance (In all cases)

ORDER

These writ petitions have been filed challenging the order of the first respondent herein under which the building plan approval was granted to the private respondents for constructing a new compound wall.

2. According to the learned Counsel for the petitioners, the approval ought not have been granted because the private respondents did not have any right or possession over the survey number, for which, a building plan approval has been granted. On the other hand, the learned Counsel for the private respondents has contended that they are the owners of the property and hence, they have approached the first



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respondent herein for putting up the compound wall to secure their property. Hence, it is clear that there is a title dispute between the petitioner and the private respondents in the writ petitions.

3. According to the learned Counsel for the petitioner and the private respondents, at least three civil suits are pending in O.S.No.573 of 2012, O.S.No.557 of 2012 and O.S.No.406 of 2013 before the Principal District Munsif Court, Tirunelveli. Apart from these three suits, some other suits are also pending between the parties in different forums. When the parties are at loggerheads before the Civil Court, this Court would not like to exercise its jurisdiction under Article 226 of the Constitution of India to decide whether the building plan approval granted by the first respondent herein is legally sustainable or not. Unless the title of the parties is decided by a competent Court, the validity of building plan approval cannot be considered by this Court. The petitioners are granted liberty to work out their remedies before the competent Civil Court. However, the Civil Court is directed to dispose of the suit without being influenced by the building plan approval granted by the first respondent herein.



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4. With the above said observations, these Writ Petition are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20.07.2022

Index : Yes / No
Internet : Yes / No
jbr

To

The Executive Officer,
Town Panchayat,
Naranammalpuram,
Tirunelveli District.



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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P(MD)Nos.13629,13630,14580 and 14581 of 2012

Dated:
20.07.2022