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W.P.(MD)NO.11118 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11118 of 2022 and
W.M.P.(MD)No.7968 of 2022

S.V.S.Gowthamaraja

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Collectorate, Madurai – 625 020.
2. The District Revenue Officer,
District Revenue Office,
Madurai District, Madurai – 625 020.
3. The Assistant Director of Town Panchayats,
O/o.The Assistant Director of Town Panchayats,
Collectorate, Madurai – 625 020.
4. Sholavandan Town Panchayat,
Rep. By its Executive Officer,
Sholavandan Post, Vadipatti Post,
Madurai District.

5. C.Murugappa

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 4 not to give any building plan approval as well as any building construction permission to the fifth respondent in patta No.1353, comprised in S.No.126A/2 to an



extent of 648 sq.feet of Solaikurichi Village, Vadipatti Taluk, Madurai District based on the petitioner's representation dated 20.04.2022.

For Petitioner : Mr.M.Venkatesan

For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

For R-4 : Mr.M.Prakash,
Additional Government Pleader.

For R-5 : Mr.D.Senthil

* * *

ORDER

Heard the learned counsel on either side.

2. The fifth respondent had moved the fourth respondent seeking planning approval. The petitioner has approached this Court for restraining respondents 1 to 4 from granting any such approval in favour of the fifth respondent. The primary ground on which the writ petitioner has anchored his case is that the fifth respondent wants to put up construction on the pathway.

3. I wanted to know if the revenue records indicate the petition mentioned survey number as a pathway. The writ



petitioner is unable to produce any such record. In this case, the revenue record is in favour of the fifth respondent.

However, the petitioner's counsel wants to rely on the parent deeds of the fifth respondent to establish his case that the petition mentioned survey number is very much a pathway.

4. It is not possible either for this Court or the planning authority to construe the said documents and arrive at the conclusion as sought for by the petitioner. The petitioner has moved the jurisdictional civil Court and filed a suit for appropriate relief. There is no restraint order passed by the jurisdictional civil Court. The planning authorities will of course consider the case of the fifth respondent on merits and in accordance with law. I make it clear that the outcome of this writ petition will not weaken the case of the petitioner nor strengthen the case of the fifth respondent. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.06.2022

Index : Yes / No
Internet : Yes/ No

PMU

G.R.SWAMINATHAN,J.



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