



W.P.(MD)No.14814 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14814 of 2022

and

W.M.P.(MD)No.10595 of 2022

K.Sundarapandian

... Petitioner

Vs.

**1.The District Collector,
Virudhunagar District,
Virudhunagar.**

**2.The Deputy Director,
District Town and Country Planning Authority,
TNHB Colony, Madurai Road,
Chattria Reddypatt, (P.O),
Virudhunagar 626 001.**

**3.The Commissioner,
Sattur Municipality,
Municipality Office,
Sattur,
Virudhunagar District.**

4.Chellaperumal

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 & 3 to



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prevent the illegal demolition of the petitioner's family temple in Survey No.TS No.270, Ward No.C, Block 17, Sattur and forbear effecting at any other illegal construction in the said lands by considering the petitioner's representation dated 09.06.2022.

For Petitioner : Mr.M.Mahaboob Athiff
For R1 to R3 : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner.

2. The grievance of the petitioner is that the fourth respondent had started to demolish the petition mentioned temple. He therefore wants the authorities to act in the matter.

3. As rightly pointed out by the learned counsel appearing for the petitioner, for demolishing any property, prior permission from the authority is required. Like wise, for developing the property or putting up a construction, planning permission is required. If without complying with the statutory formalities, the fourth respondent commits any act,



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certainly, the official respondents will proceed against him in the manner known to law. As of now, the petitioner is having a serious dispute only with a private party. Therefore, the petitioner has to necessarily move the jurisdictional civil court for relief. Filing the writ petition in the facts and circumstances of the case does not look appropriate. Granting liberty to the petitioner to move the jurisdictional civil court, the Writ Petition is dismissed. I make it clear that I have not gone into the merits of the matter. If the petitioner files any suit before the jurisdictional civil court, considering the emergent circumstances, I am certain that the jurisdictional civil court will number the suit immediately if the plaint is otherwise in order and also expeditiously dispose of the interim application that may be filed. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2022

Index : Yes / No
Internet : Yes/ No
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NOTE: Issue Order Copy on 12.07.2022.



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G.R.SWAMINATHAN,J.

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To

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Virudhunagar.
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