



W.P(MD)No.15969 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.15969 of 2022
and
W.M.P(MD).No.11541 of 2022**

T.Pandimurugan

... Petitioner

Vs.

- 1.The District Collector
Tuticorin District,
Tuticorin.
- 2.The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.
- 3.The Executive Officer,
V.Pudur Town Panchayat,
V.Pudur, Tuticorin.
- 4.R.Seethuraman
- 5.S.Suseela

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to prevent the illegal constructions made by the



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respondents 4 and 5 in Survey No.57/1 and New Survey Nos.57/1A and 57/1B, Pudur Town, Vilathikulam Taluk, Tuticorin District.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 and R2

Mr.S.P.Maharajan
Special Government Pleader for R3

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.R.Rajaraman, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the third respondent.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to prevent the illegal constructions made by the respondents 4 and 5 in Survey No.57/1 and New Survey Nos.57/1A and 57/1B, Pudur Town, Vilathikulam Taluk, Tuticorin District.



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3. From the reading of the affidavit filed in support of this petition, it is seen that the petitioner and one Sundaramoorthi have filed a suit in O.S.No.8 of 2018 before the Sub Court, Kovilpatti, for declaration of title and consequential injunction restraining the fourth respondent herein and others, from interfering with their peaceful possession. A prayer has been made in the suit for permanent injunction restraining the defendants including the fourth respondent herein from alienating or encumbering the suit property. The suit property is having an extent of 6 cents in Survey No.57/1 and there is a dispute with regard to the title over the suit property. Hence, this Writ Petition has been filed.

4. The learned Additional Government Pleader, on instructions, submitted that the Executive Officer of V.Pudur Town Panchayat has granted the building plan permission by proceedings, dated 21.06.2022 to the respondents 4 and 5, in Survey No.57/1A .

5. It is seen from the proceedings, dated 21.06.2022 that the respondents 4 and 5 have obtained permission for putting up a construction in Survey No.57/1A. Hence, this Court is not inclined to give any direction to the respondents 1 to 3 to prevent the respondents 4



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and 5 from putting up construction. However, if the petitioner has any grievance on the basis of right or title over the disputed land, it is always open to him to pursue his remedy before the civil Court.

6. Accordingly, this Writ Petition stands dismissed. No costs.
Connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
22.07.2022

Index : Yes/No
Internet : Yes
ssb

To

- 1.The District Collector
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V.Pudur, Tuticorin.



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AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
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22.07.2022