



W.P(MD)No.22097 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22097 of 2022

and

W.M.P(MD)Nos.16254 to 16256 & 19465 of 2022

Thamaraiselvan

... Petitioner

Vs

- 1.The Director of Municipal Administration,
Chennai – 600 006.
- 2.The Chief Engineer,
Municipal Administration,
Chennai – 600 006.
- 3.The Regional Joint Director,
Municipal Administration,
Madurai Region,
Kochadai,
Madurai.
- 4.The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai.
- 5.KallarKalviKazhagam,
Represented by its
Secretary,



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Pasumpon Muthuramalinga Thevar College,
Usilampatti,
Madurai – 625 532.

6.The President,
KallarKalviKazhagam,
Pasumpon Muthuramalinga Thevar College,
Usilampatti,
Madurai – 625 532.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in pertaining to the fourth respondent's Plan Permit number : 119/094/2022 dated 29.07.2022 and quash the same.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R.1 to R.3

Mr.V.Austin for R.4

Mr.B.Saravanan
for Mr.M.Arumugam for R.5

Mr.N.Mariappan for R.6

ORDER

Heard the learned counsel on either side.

2. Shri.K.Saravanan, Regional Joint Director of Municipal Administration is present before this Court. In my view, he has been unnecessarily summoned. He has no role at all in the matter. His further appearance is dispensed with.



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3. An application for building approval was submitted by Kallar Kalvi Kazhagam before the Commissioner, Usilampatti Municipality, Usilampatti, Madurai. Approval was granted vide order dated 29.07.2022. Challenging the same, one of the members of the society filed this writ petition.

4. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the official respondents clarified that permission was sought in respect of T.S.No.4/9 corresponding to Survey No. 143/10. The learned Special Government Pleader confirms the statement of the writ petitioner that the said land is a Sarkar Poramboke and belongs to Arul Migu Ayyanar Temple. However, it is clarified by the official respondents themselves that even though building plan was granted in respect of T.S.No.4/9 corresponding to Survey No.143/10, the construction work is going on only in T.S.No.4/8 corresponding to new Survey No.143/9 which belongs to the Kallar Kalvi Kazhagam.

5. It was the sixth respondent who signed the application knowing the fullywell the contents of the application. Based on his application, approval was also given by the local body. Construction activities since commenced. Now it is strange that the sixth respondent is supporting the writ petitioner and



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now argues before this Court that he wants to withdraw the application. Such a request cannot be entertained.

6. In these writ proceedings, such internecine battles can be decided. Suffice to say that the fourth respondent will have to issue revised proceedings in line with the stand now taken. I do not want to interfere beyond this because it is submitted by the learned counsel appearing for the fifth respondent that construction works have already commenced. It is made clear that the Kallar Kalvi Kazhagam will not put up any construction on poramboke land but will confine the construction activities to their patta land. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.12.2022

Index : Yes / No

Internet : Yes/ No

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