



W.P(MD)No.27899 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.27899 of 2022
and
W.M.P(MD)No.21966 of 2022**

G.Booma

... Petitioner

VS.

- 1.The Director / Commissionerate of Municipal Administration
and Water Supply Department,
Ezhillagam, 6th Floor,
Annex Building, P.W.D. Estate,
Chepauk, Triplicane,
Chennai – 600 505.
- 2.The District Collector,
District Collectorate Office,
Madurai District.
- 3.The District Revenue Officer,
District Revenue Office,
Madurai,
Madurai District.
- 4.The Assistant Director,
Administrator of Corporation,
Town Panchayat and Union Offices,
Collectorate Campus,
Madurai, Madurai District.

1/7



W.P(MD)No.27899 of 2022

WEB COPY

- 5.The Revenue Divisional Officer,
Revenue Divisional Office, Madurai,
Madurai District.
- 6.The Commissioner,
Corporation of Madurai, Tallakulam, Madurai,
Madurai District.
- 7.The Tahsildar,
Taluk Office (South),
Madurai, Madurai District.
- 8.Saravanan
- 9.Hemamalini

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 7 immediately to stop and remove the unauthorized construction made by respondents 8 and 9 by encroaching petitioner's husband share in Door No.35/14 in Survey Nos.51/1C, 51/2, 51/1 in Block No.5, Ward No.5 situated at S.S.Colony 5th Cross Street, Madurai City by taking into consideration of the petitioner's representation dated 06.12.2022 within the time stipulated by this Court.

For Petitioner	: Mr.A.Saravanan
For RR 1 to 5 & 7	: Mr.V.Nirmal Kumar Additional Government Pleader
For R – 6	: Mrs.S.Devasena



W.P(MD)No.27899 of 2022

WEB COPY

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 7 immediately to stop and remove the unauthorized construction made by the respondents 8 and 9 by encroaching the petitioner's husband share in Door No.35/14 in Survey Nos.51/1C, 51/2, 51/1 in Block No.5, Ward No.5 situated at S.S.Colony 5th Cross Street, Madurai City by taking into consideration of the petitioner's representation dated 06.12.2022 within the time stipulated by this Court.

2.According to the petitioner, originally, the petitioner's husband's brother filed a suit in O.S.No.251 of 1972 on the file of the learned Subordinate Judge, Madurai, for partition in connection with the joint family property. A final decree of partition was passed in the said suit by dividing the said property as A, B, C and D schedule property and based on the said decree 'D' schedule property was allotted to her husband and by leaving ½ cent of road, the petitioner's family is enjoying the petitioner's



W.P(MD)No.27899 of 2022

WEB COPY

husband share of 4-1/2 cents. While so, the respondents 8 and 9 created a forged sale deed in favour of them in respect of the aforesaid survey number and without obtaining any planning permission from the concerned authority, the respondents 8 and 9 are trying to build a house in an illegal manner. Hence, the petitioner made a representation, dated 06.12.2022 to the respondents 1 to 7 to remove the unauthorized construction made by the respondents 8 and 9. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the sixth respondent submitted that the aforesaid dispute is purely a civil in nature and the sixth respondent Corporation has not granted any planning approval to the respondents 8 and 9 to build a house. The petitioner has approached this Court at a pre-matured stage and if at all, the petitioner has any grievance, she can very well approach the competent civil Court.

4.Heard the learned counsel appearing on either side.



W.P(MD)No.27899 of 2022

WEB COPY

5. In view of the abovesaid submission, we are not inclined to entertain the Writ Petition. Accordingly, this Writ Petition is dismissed. However, it is open to the petitioner to approach the concerned civil Court for appropriate relief, in the manner known to law, if she is so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
12.12.2022

Index : Yes / No
Internet : Yes
ps

To

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W.P(MD)No.27899 of 2022

WEB COPY

- 4.The Assistant Director,
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WEB COPY



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ORDER MADE IN
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