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W.P.No.21553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2023

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.21553 of 2023

Mrs.Sowdha Parveen

... Petitioner

Vs.

- 1.District Revenue Officer,
Collectorate,
Tiruppur Distrit.
- 2.The Municipal Commissioner,
Udumalpet Municipality,
Udumalpet Taluk – 642 126,
Tiruppur District.
- 3.Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
- 4.The Tahsildhar,
Taluk Office,
Udumalpet,
Tiruppur District.
- 5.Revenue Inspector,
Periyavalvadi, Firka,
Taluk Office,



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Udumalpet, Tiruppur.

6.Village Administrative Officer,
Devanur Pudhur Village,
Udumalpet Taluk,
Tiruppur.

7.Mr.EKAS Abdul Khadar Masthan (a) Asif

8.Khamila Parveen

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to take appropriate action against the representation dated 24.02.2023 concerning the illegal construction of the Taj Theatre for the extent of 16270 Sqft. area 128/1 in Udumalpet by the 7th and 8th respondents within the stipulated time prescribed by this Hon'ble Court.

For Petitioner : Mr.Shaik Mohamed Yaser

For R1, R3 to R6 : Mr.P.Gurunathan
Additional Government Pleader

For R2 : Mr.B.Anand

* * * * *

ORDER

[Order of the Court was made by N.MALA,J.]

This Writ Petition is filed to direct the second respondent to take appropriate action against the representation dated 24.02.2023 concerning the illegal construction of the Taj Theatre for the extent of 16270 Sqft. area 128/1 in Udumalpet by the 7th and 8th



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respondents 1-15 within the stipulated time prescribed by this Hon'ble Court.

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2.It is seen from the averments in the affidavit that there is a title dispute between the petitioner and the respondent 7 and 8. In the writ petition, the petitioner admits that the first respondent had granted planning permission in approval No.87/2014 dated 14.01.2015 for construction of Theatre complex in Survey No.128/1 Udumalpet, in favour of respondents 7 and 8.

3.According to the petitioner, the respondents 7 and 8 had no clear title over the above said property and therefore a representation dated 24.02.2023 was given by her to the second respondent to take appropriate action against the illegal construction put-up by the respondents 7 and 8 in Survey No.128/1 Udumalpet.

4.The learned counsel appearing for the second respondent submitted that there is a suit filed by the petitioner in O.S.No.104 of 2020 which is pending on the file of the Sub Court, Udumalpet, which was suppressed by the petitioner in the writ petition.

5.We have gone through the documents and affidavit filed in support of the writ petition and we find that the petitioner has not stated anything about the aforesaid suit.



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We therefore find that the petitioner has approached the Court with the unclean hands by suppressing facts and therefore, the Writ Petition deserves to be dismissed on the short ground of suppression of facts.

6.In view of the same, this Writ Petition stands dismissed. However, there shall be no order as to costs.

J.N.B.J., N.M.J.,
21.07.2023

Index : yes/no
Internet : yes/no
ah

To

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Tiruppur District.
- 3.Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
- 4.The Tahsildhar,
Taluk Office,
Udumalpet,



Tiruppur District.

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5.Revenue Inspector,
Periyavalvadi, Firka,
Taluk Office,
Udumalpet, Tiruppur.

6.Village Administrative Officer,
Devanur Pudhur Village,
Udumalpet Taluk,
Tiruppur.



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&
N.MALA, J.

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