



WEB COPY



W.P.No.22507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22507 of 2023

Sri Muruganandam

...Petitioner

Vs.

1.The District Collector,
District Collector Office, Erode.

2.The Executive Officer,
Kolapalur Panchayat,
Kolapanur, Gopichettipalayam Taluk,
Erode District.

3.P.Gunasekaran

4.M.Krishnamoorthi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent not to give any building plan approval in New Survey No.212/10 in Old Survey No.107/1 Kolapalur Village, Gopichettipalayam Taluk, Erode District to the respondents 3 & 4 in the light of the petitioner representation dated 07.04.2023 within a stipulated period as prescribed by this Court.

For Petitioner	: Mr.S.Balaji
For Respondent 1	: Mr.N.Naveen Kumar Government Advocate
For Respondent 2	: Mr.S.Balamurugan Government Advocate



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ORDER

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The petitioner herein has filed this writ petition seeking direction to the second respondent not to give any building plan approval in respect of the land in New Survey No. 212 /10 in Old Survey No.107/1 Kolapalur Village, Gopichettipalayam Taluk, Erode District in the light of the representation made by the petitioner dated 07.04.2023.

2.According to the petitioner his father purchased the punja land in his name with an extent of 1 acre 92 cents in New Survey No. 212 /10 in Old Survey No.107/1 Kolapalur Village, Gopichettipalayam Taluk, Erode District. It is the case of the petitioner that he mortgaged the property in favour of one Selvaraj and Umamaheswari. Though the petitioner intended to mortgage the property, a sale deed appeared to have been executed in favour of one Selvaraj and Umamaheswari and on the strength of the sale deed, they sold the property to the respondents 3 & 4. Thereafter, the petitioner herein also filed a Civil Suit in O.S.No.20 of 2019 on the file of Additional District Court, Gopichettipalayam, Erode District, challenging the sale deed executed by the petitioner in favour of said Selvaraj and Umamaheswari dated 29.08.2016 and the said suit is pending.



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3. It is the case of the petitioner while the suit is pending, the purchasers namely the respondents 3 & 4 are making an attempt to develop the property by getting building plan approval from the respondent 2. Therefore, the petitioner has come up with writ petition.

4. Admittedly, the Civil Suit filed by the petitioner challenging the sale deed allegedly executed by him in favour of one Selvaraj and Umamaheswari is pending. Unless the sale deed executed by the petitioner in favour of vendors of the respondents 3 & 4 are set aside or declared invalid by the Competent Civil Court, the petitioner are not entitled to maintain this writ petition. If at all it is for the petitioner to get appropriate order by filing appropriate application in the Competent Civil Court. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed with liberty to the petitioner to move appropriate application before the Competent Civil Court. No costs.

31.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTCHAR, J.

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To

- 1.The District Collector,
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Erode.
- 2.The Executive Officer,
Kolapalur Panchayat,
Kolapanur,
Gopichettipalayam Taluk,
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