



W.P.(MD)No.13902 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.13902 of 2012

and

M.P.(MD).Nos.1 & 2 of 2012

1.Karutharasu

2.Susila

3.Kavithasan

4.Kavitha

5.Swetha

6.Inyavan

... Petitioners

(P2 to P6 are substituted vide Court order dated 16.08.2022 in W.M.P. (MD).No.12992 of 2022 in W.P.(MD).No.13902 of 2012 by RVJ)

Vs.

1.The District Collector,
Madurai District.

2.Special Tashildar, (Ni.A),
Schedule Tribe Welfare Office-1,
Madurai.

3.Secretary,
Ambedkar Parayar Uravinmurai,
Palamedu, Madurai.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the impugned notification in Na.Ka.No.558/2012/A, dated 02.08.2012, on the file of the 2nd respondent herein and to quash the same as illegal and further forbearing the respondents from attempting to illegally acquire the petitioner's property under S.No.903/61, Palamedu Village, Vadipatti Circle, Madurai District.

For Petitioner :Mr.K.R.Laxman

For Respondents :Ms.D.Farjana Ghowshia
Special Government Pleader for R1 & R2
:Mr.R.Bharath for R3

ORDER

This writ petition has been filed challenging the alleged order passed by the 2nd respondent herein and further forbearing the respondents from attempting to illegally acquire the petitioner's property under S.No. 903/61, Palamedu Village, Vadipatti Circle, Madurai District.

2.The case of the petitioner is that he is the owner of the land in Survey No.903/61 at Palamedu Village, Vadipatti Circle, Madurai District measuring an extent of 877.5 Sq.Ft. While so, the respondents 3 to 6 had



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tried to encroach upon his property and therefore, he was constrained to file a suit in O.S.No.91 of 2006, before the District Munsif Court, Madurai. The said suit has been decreed in his favour by granting a permanent injunction. Having come to the knowledge that there is an attempt to construct a marriage hall in his property, the petitioner had made a representation to the respondents 1 and 2 and inspite of the said representation, the petitioner's possession was sought to be disturbed. Hence, again on 19.07.2012, he had made a representation to the 2nd respondent espousing his grievances. The 2nd respondent, by the impugned order dated 07.08.2012, had informed the petitioner that the land in Survey No.903/61, is registered under the name of the 3rd respondent only and permission has been accorded to construct the community hall, which is under challenge. Therefore, he would contend that when the petitioner is supported by a decree, the 2nd respondent ought not to have permitted construction of a community hall in the land belonging to the petitioner.

3.Countering his argument, the learned Special Government Pleader appearing for the 1st and 2nd respondent had disputed the title of the



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petitioner's property. It was further contended that the land in Survey No. 903/61, Palamedu Village, was handed over to TAHDCO for carrying out the Government Welfare measures by constructing a new community hall. The suit filed by the petitioner would not be in any support and will not bind the 2nd respondent.

4.I have considered the submission made by the counsel on either side.

5.The alleged impugned order is a communication, intimating the petitioner that the land in Survey No.903/61 of Palamedu Village, stands in the name of the 3rd respondent and therefore, permission has been granted to construct a community hall in the said place, for the benefit of the public. If the petitioner is aggrieved by the grant of planning permission, he will have to approach the appropriate authority, challenging the same. He had not approached the revenue authorities and from the impugned communication, it has been categorically stated that the land stands in the name of the 3rd respondent. When that be so, the petitioner should have to approach the



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revenue authorities for rectification of the same, based upon the proceedings of the Civil Court. When that be so, there is no purpose for challenging the communication.

6.In view of the same, the writ petition fails and is dismissed. However, the petitioner will be at liberty to approach the appropriate authorities to redress his grievances. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Index : Yes / No
Speaking Order/Non Speaking Order
sbm

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