



W.P(MD)No.1271 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.1271 of 2022
and WMP(MD)No.1117 of 2022

M.Nainar Mohamed

... Petitioner

Vs

1.The District Collector,
Madurai District Collector Office,
Madurai 625 020.

2.The President,
Thanakkankulam Panchayat,
Thanakkankulam, Madurai 625 006.

3.The Executive Officer,
Thanakkankulam Panchayat,
Thanakkankulam, Madurai 625 006.

4.S.Jayakumar

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent, to take action under section 56 and 57 of the Town and Country Planning Act, 1971. On the basis of the petitioner's representation, dated



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12.01.2022 as against the fourth respondent for not adhering to the building rules for the construction of the building by the fourth respondent.

For Petitioner	:No Appearance
For R1	:Mr.N.Muthu Vijayan Special Government Pleader
For R2,R3	:Mr.J.Ashok Additional Government Pleader
For R4	:Mr.S.Karthikeyan

ORDER

When the matter is taken up for hearing today, the learned counsel for petitioner is again absent. Even on 06.03.2023, it had been observed by this Court as follows:

“The learned counsel for the fourth respondent is present. The Special Government Pleader for the first respondent is present.

2.The learned counsel for the petitioner not present. The petitioner is an agreement holder. Section 54 of Transfer of Property Act is very clear that an agreement holder has no right or charge over the property.

*3.List the matter again on **14.03.2023**. Even if the learned counsel for the petitioner is not present, on the basis of records available, orders shall be passed.”*



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2.The learned counsel appearing for the fourth respondent, the learned Special Government Pleader appearing for the first respondent and the learned Additional Government Pleader appearing for the second and third respondents are present.

3.The Writ Petition had been filed in the nature of mandamus, seeking a direction under Sections 56 and 57 of Town and Country Planning Act against the fourth respondent, consequent to a representation, dated 12.01.2022.

4.In the affidavit filed in support of the writ petition, it had been stated that the fourth respondent had allegedly agreed to sell the land in S.No. 40/1A1A1 in Plot No.177L to the petitioner herein. However, the sale deed had not been executed. The petitioner had given a complaint and had also filed a petition under Section 156(3) of Cr.P.C. before the Judicial Magistrate No.6, Madurai.

5.As stated, the petitioner is only an agreement holder and cannot claim any right or charge over the property. It is stated that the fourth



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respondent had further constructed a house in that land. However, the learned Additional Government Pleader stated that the fourth respondent had obtained permission in No.32/2122 and approved in R.Dis. No.17.09.2021, which is valid till 16.09.2023, from the third respondent/Executive Officer, Thanakkankulam, Madurai. Thereafter, the four respondent had constructed the said house.

6.In view of the above fact that necessary permission had been obtained by the fourth respondent for construction, nothing survives for further adjudication. Even though, the learned counsel for the petitioner is not present, the result would be the same even, if he had been present.

7.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM



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To

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Madurai 625 020.
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3. The Executive Officer,
Thanakkankulam Panchayat,
Thanakkankulam, Madurai 625 006.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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