



W.P.(MD)No.8786 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8786 of 2021

and

W.M.P.(MD)No.6603 of 2021

R.Rajaram

.. Petitioner

Versus

- 1.The District Collector,
Korampallam, Thoothukudi - 628 101.
- 2.The Assistant Director (Town Panchayat),
Jawahar Nagar, N.G.O. "B" Colony,
Palayamkottai - 627 007, Tirunelveli District.
- 3.The Deputy Director,
Town and Country Planning District Office,
No.51, West Car Street, Thoothukudi - 628 002.
- 4.The Executive Officer,
Udangudi Town Panchayat, Udangudi,
Christianagaram (Post), Tiruchendur Taluk,
Thoothukudi District.

5.Ayisha Kallasi, W/o I.Sheik Mansoor Kallasi .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent in any way treating the property in Survey No.314/1,



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Udangudi Village, Tiruchendur Taluk, Thoothukudi District, as a public pathway and consequently, not to grant any planning or building permission to the fifth respondent by referring the property in Survey No. 314/1, Udangudi Village, Tiruchendur Taluk, Thoothukudi District, as a public pathway.

For Petitioner : Mr.M.P.Senthil
For R1 to R4 : Mr.R.Ragavendran
Government Advocate
For R5 : Mr.R.Anand

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the fourth respondent to take into consideration the objections given by the petitioner and not to grant any building or planning permission to the fifth respondent, by showing the subject property in Survey No.314/1 at Udangudi Village, Tiruchendur Taluk, Thoothukudi District, as a public pathway.

2. Heard Mr.M.P.Senthil, learned counsel appearing on behalf of the petitioner, Mr.R.Ragavendran, learned Government Advocate appearing on behalf of the respondents 1 to 4 and Mr.R.Anand, learned counsel appearing on behalf of the fifth respondent.



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3. The case of the petitioner is that there was a vacant site, which was divided into house sites and totally 14 house sites were formed, and a private pathway right was given. The father of the petitioner had purchased two houses and the mother of the petitioner had also purchased two houses and the brother of the petitioner had also purchased one house and thereby, five houses were purchased through various sale deeds and the revenue records were also mutated in the names of the father, mother and brother of the petitioner.

4. The grievance of the petitioner is that the fifth respondent was attempting to get a building plan approval in order to put up construction in the property in Survey No.316/1, 2 and 4A and Survey No.308/2A and 2B. For this purpose, the fifth respondent was attempting to show the private pathway in Survey No.314/1 as a public pathway and had submitted an application before the fourth respondent seeking for approval. Immediately, on coming to know about the same, an objection was made by the petitioner and his mother. Since the same was not considered and hasty steps were taken by the fourth respondent to grant



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the building plan approval in favour of the fifth respondent, the present Writ Petition has been filed before this Court.

5. When the matter came up for hearing, the learned Government Advocate appearing on behalf of the respondents 1 to 4 submitted that the objections made by the petitioner is under consideration and that a clarification has already been sought for from the concerned revenue authority with regard to the nature of the pathway in Survey No.314/1 and on receipt of the same, the fourth respondent will take a decision regarding the building plan approval that has been sought for by the fifth respondent. The learned Government Advocate further submitted that at the time of considering the application of the fifth respondent, the objections given by the petitioner will also be considered.

6. In the light of the above submissions made by the learned Government Advocate appearing on behalf of the respondents 1 to 4 and after taking into consideration the facts and circumstances of the case and the materials placed before this Court, this Court deems it fit to allow the fourth respondent to take a decision with regard to the building plan



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approval application submitted by the fifth respondent. While undertaking this process, the fourth respondent shall take into consideration the objections made by the petitioner as well as the claim made by the fifth respondent and thereafter, take a decision in accordance with law.

6. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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