



W.P.(MD)No.20681 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20681 of 2023 and
WMP(MD) No.17109 of 2023

K.Jayanthi

... Petitioner

Vs

1.The District Collector,
Collectorate Campus,
Karur,
Karur District.

2.The Special Deputy Collector,
Social Security Scheme,
District Collectorate Office,
Karur,
Karur District.

3.The Block Development Officer (Panchayat),
O/o Block Development Office,
Panchayat Union,
Karur,
Karur District.

4.P.Thanalakshmi

... Respondents



W.P.(MD)No.20681 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, restraining the respondents 1 to 3 from proceeding to construct the house under the scheme of Prathama Manthiri Housing Scheme in PMAY-G.No.TN126003090 by the fourth respondent pending disposal of O.S.No.393 of 2021 on the file of the District Munsif Court, Karur and in the light of the order passed by the third respondent in his proceedings dated 12.05.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
For R1 & R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R3 : Mr.Senthil Ayyanar
Government Advocate

ORDER

The petitioner and the fourth respondent are relatives. There is a dispute between the petitioner and the fourth respondent in respect of the land in S.No.354/1, which according to the petitioner, belongs to her. The third respondent has identified the fourth respondent as one of the beneficiaries under the Prathama Manthiri Housing Scheme and a subsidy was also granted in favour of the fourth respondent to construct a house. The grievance of the petitioner is that



W.P.(MD)No.20681 of 2023

the fourth respondent is constructing a house in the petitioner's land in S.No.354/1. With regard to the dispute over the subject property, a civil suit in O.S.No.393 of 2021 is also pending before the District Munsif Court, Karur. Therefore, the petitioner has filed this writ petition for a Mandamus, forbearing the respondents 1 to 3 from constructing a house in the petitioner's land.

2.The learned counsel appearing for the petitioner submits that the petitioner has raised certain objections for grant of subsidy to the fourth respondent. However, without considering the same, the third respondent has permitted the fourth respondent to construct the house in the disputed land, which is the subject matter of the suit.

3.Mr.Senthil Ayyanar, learned Government Advocate, who takes notice for the third respondent submits that the fourth respondent was identified as a beneficiary in the year 2021. Soon after, this petitioner has filed a civil suit before the District Munsif Court and the



W.P.(MD)No.20681 of 2023

same is pending in O.S.No.393 of 2021. The petitioner could not get an interim order from the concerned civil Court. The building has to be constructed within a stipulated time. Therefore, the third respondent has permitted the fourth respondent to proceed with the construction.

4.Considering the rival submissions made and also considering the fact that the petitioner has filed a civil suit before the District Munsif Court, Karur and the same is pending in O.S.No.393 of 2021, this writ petition is dismissed with a liberty to the petitioner to work out her remedy before the concerned civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

25.08.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

1.The District Collector,

4 / 6



W.P.(MD)No.20681 of 2023

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W.P.(MD)No.20681 of 2023

B.PUGALENDHI, J.

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