



W.P.(MD)No.22275 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22275 of 2021

and

W.M.P.(MD)No.2244 of 2022

Rahmad Batch
through his Power Agent
Basheer Ammal

... Petitioner

vs.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Rural Development Office, Ramanathapuram.

3.The Block Development Officer,
Kadaladi, Ramanathapuram District.

4.The President,
Ervadi Panchayat,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pass orders on the proceedings initiated by the 2nd respondent under Na.Ka.U.Ni3/2305/2020, dated 14.07.2021, pertaining to cancellation of



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the building plan approval for the building proposed to be constructed under Survey No.174/2Q, Ervadi Panchayat, Kadaladi Panchayat Union, Ramanathapuram District.

For Petitioner	:Mr.K.R.Laxman
For R1 and R2	:Ms.D.Farjana Ghoushia Special Government Pleader
For R3 and R4	:Mr.G.Surya Anand

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to pass orders on the representation made by the petitioner, wherein, the petitioner has sought for the cancellation of the building plan approval granted for the proposed construction in S.No.174/2Q at Ervadi Panchayat, Ramanathapuram District.

2.Heard Mr.K.R.Laxman learned Counsel appearing on behalf of the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.G.Surya Anand, learned Counsel appearing on behalf of the respondents 3 and 4.



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3.The petitioner in her capacity as agent of her husband had filed a suit in O.S.No.24 of 2021 before the Subordinate Court, Mudukulathur. Suppressing this suit, one of the co-owners had submitted an application seeking for building plan approval to put up construction. The approval was also granted to the fourth respondent through proceedings dated 24.05.2021. It is under these circumstances, the petitioner has made a representation for cancellation of the approval. Since the same was not considered, the present Writ Petition has been filed.

4.When the matter was taken up for hearing today, the learned Special Government Pleader submitted that building has already been put up and it is also being assessed for property tax.

5.The learned Counsel for the petitioner submitted that the suit is now at the stage of final decree proceedings.

6.Taking into consideration the facts and circumstances of the case and the submission made on either side, no orders can be passed in this Writ Petition. It is left open to the petitioner to prosecute the final decree



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proceedings before the Civil Court and if the property is allotted to the petitioner, whatever construction has been put up in the property, will also enure in favour of the petitioner. Therefore, it is not necessary to direct the official respondents to cancel the building plan approval granted at this stage. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

22.11.2023

cmr

To

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Rural Development Office, Ramanathapuram.

3.The Block Development Officer,
Kadaladi, Ramanathapuram District.

4.The President,
Ervadi Panchayat,
Ramanathapuram District.

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N.ANAND VENKATESH, J.

cmr

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