



WP(MD)No.16727 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16727 of 2016
and
WMP(MD)No.12156 of 2016

A.Sakthivinayagan

... Petitioner

v.

1.The District Collector,
Thanjavur,
Thanjavur District.

2.The Block Development Officer,
Panchayat Union Office,
Aavanam & Post,
Peravoorani Taluk,
Thanjavur District.

3.The President,
Sornakadu Village,
Sornakadu Post,
Peravoorani Taluk,
Thanjavur District.

4.Ganesan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent to take appropriate action as against the illegal construction of building in S.F.No.170/3A with an extent of 9 Ars. in Sornakadu Village, Peravoorani Taluk, Thanjavur District, made by the fourth respondent and to demolish the same within a stipulated time limit, by considering the petitioner's representation dated 22.08.2016.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.P.T.Thiraviam,
Government Advocate
for R.1, R.2

No appearance for R.3

Mr.C.Bharathi for R.4

ORDER

The petitioner filed this writ petition for a mandamus directing the third respondent to take action as against the construction put up by the fourth respondent in S.F.No.170/3A in Sornakadu Village, Peravoorani Taluk, Thanjavur District, by considering his representation dated 22.08.2016.



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WEB COP 2.The case of the petitioner is that the fourth respondent has illegally put up constructions in S.F.No.170/3A. He also claims that the subject property belongs to him.

3.Learned Government Advocate, on instructions, submitted that the building permission has been granted to the fourth respondent and thereafter, the fourth respondent has put up construction.

4.Learned Counsel for the fourth respondent submitted that the building has already been constructed. He further submitted that the petitioner has filed a suit in O.S.No.109 of 2016 before the District Munsif Court, Pattukottai and the same was dismissed for non-prosecution.

5.Considering the rival submissions made, this writ petition is disposed of, with liberty to the petitioner to work out his remedy before the appropriate civil Court by establishing his right over the subject property.



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B.PUGALENDHI, J.

gk

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

22.06.2023

To

- 1.The District Collector,
Thanjavur,
Thanjavur District.
- 2.The Block Development Officer,
Panchayat Union Office,
Aavanam & Post,
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Thanjavur District.

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