



W.P.(MD)No.23430 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD)No.23430 of 2023

and

WMP(MD)No.19645 of 2023

S.Vinayagamani

... Petitioner

-VS-

1. The District Collector,
Madurai District,
Madurai.

2. The Assistant Divisional Engineer,
Madurai West Sub Division,
Construction and Maintenance,
Alagar Kovil Road, K.Pudhur,
Near Thamarai Thotti,
Madurai

3. The Assistant Director of Panchayat,
Madurai District,
Madurai.

4. The Revenue Divisional Officer,
Melur Revenue Division
At Narasingampatti,
Melur Taluk,
Madurai District.



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5. The Block Development Officer
(Grama Panchayat),
Madurai East Panchayat Union,
Madurai District.

6. The Tahsildar,
Melur Taluk,
Madurai.

7. V.Alaguraja

8. The President,
Chinnamangulam Village Panchayat,
Madurai East Panchayat Union,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 15.09.2023 and 19.09.2023 and consequently direct the 1st respondent to remove the construction of the Commercial Shopping Complex put up by the 7th respondent in the Agricultural Nanja land in violation of the Rule 6 of Tamil Nadu Change of Land Use (From Agricultural to Non-Agricultural purpose in Non-Planning Areas) Rules, 2017, within a time stipulated by this Court.

For Petitioner	: Mr.K.Mahendran
For R1 to R6	: Mr.T.Amjad Khan, Government Advocate
For R7	: Mr.T.Aswin Rajasimman for M/s.Lajapathiroy and Associates



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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.K.Mahendran, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondent Nos.1 to 6 and Mr.T.Aswin Rajasimman, learned counsel appearing for the respondent No.7.

2. The learned Advocate for the petitioner submits that the respondent No.7 is putting up a commercial construction in the land which is not classified for commercial purpose. It is only the District Collector who can grant permission. Respondent No.8 does not have authority to grant permission.

3. It is further submitted that pursuant to the illegal permission granted by the respondent No.8, respondent No.7 is proceeding with the construction and the same needs to be injuncted.

4. It appears that a patta has been issued in favour of the respondent No.7. Patta is not the subject matter of challenge and the



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permission granted by the respondent No.8 is also not the subject matter of challenge in the present writ petition. The prayer is made to decide the representations of the petitioner wherein a request is made to remove the construction of commercial shopping complex put up by the respondent No.7 in the agricultural nanja land.

5. The learned counsel for the petitioner submits that the respondent No.7 is encroaching the water body and the Highways road.

6. There are no documents on record to conclude about the encroachment on the Highways road and the water body.

7. According to the learned counsel for respondent No.7, the petitioner has no *locus standi* to file this writ petition. He is not concerned with the property in question. Permission has been obtained by the respondent No.7 and construction is made in his own lands.

8. Be that as it may, we are not here deciding about the alleged encroachment in the absence of any authentic document.



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9. The petitioner has made representations. The prayer in the writ petition is for a direction against the authority to decide the representations. The authority concerned will decide the representations of the petitioner dated 15.09.2023 and 19.09.2023 on their own merits and in accordance with law and of course, after observing the principles of natural justice preferably within a period of four months from the date of receipt of a copy of this order.

10. The Writ Petition, accordingly, stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., .C.J.]

29.11.2023

[K.K.R.K., J.]

Index : Yes / No
Neutral Citation : Yes / No
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