



W.P(MD)No.24851 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24851 of 2023

and

W.M.P.(MD)No.21049 of 2023

C.Jain Kumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Assistant Director of Panchayat,
Nagercoil,
Kanyakumari District.

3.The Block Development Officer,
Thiruvattar Block,
Kanyakumari District.

4.The President,
Yettacode Village Panchayat,
Kanyakumari District.

5.Justin Santhakumar

6.Jeyakumari

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 consider the representation of the petitioner dated 26.09.2023 and cancel the building plan permission granted infavour of respondent 5 and 6 to construct the house in the property owned by the petitioner in re-survey No.340/8B of Yettacode Village, Kalkulam Taluk.

For Petitioner : Ms.D.Saranya

For Respondents : Mr.K.Balsubramani,
Spl. Government Pleader for R1 & R2.
Mr.V.Nirmal Kumar,
Government Advocate for R3 & R4.
Mr.G.Cenil for R5.
Mr.G.Ramanathan for R6

ORDER

Heard both sides.

2.The case of the petitioner is that the petition mentioned property is the subject matter of a partition suit. It is stated that preliminary decree has already been passed and that the petition mentioned site has been allotted as the petitioner's share by the advocate commissioner.



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3.The respondents 5 and 6 state that on the land allotted to the petitioner, no construction is being put up.

4.I make it clear that the rights of the parties will abide by the outcome of the final decree proceedings. The respondents 5 and 6 cannot claim any equity based on any construction.

5.With these observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous is closed.

20.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Kanyakumari District,
At Nagercoil.

2.The Assistant Director of Panchayat,
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Kanyakumari District.

3.The Block Development Officer,
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3/4



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ias

4.The President,
Yettacode Village Panchayat,
Kanyakumari District.

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