



WEB COPY



W.P.No.725 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.725 of 2024
and
W.M.P.No.740 of 2024

Muthulakshmi

..... Petitioner

-Versus-

- 1.The District Collector,
District Collector Office,
Namakkal District.
- 2.The District Revenue Officer,
District Revenue Office,
Thillaipuram,
Namakkal 637 001.
- 3.The Revenue Divisional Officer,
Tiruchengode Taluk,
RDO Office,
Tiruchengode,
Namakkal 637 211.
- 4.The Tahsildar,
Tiruchengode Taluk Office,
Kollaipalayam,
Tiruchengode,
Namakkal 637 211.



W.P.No.725 of 2024

5.The Village Administrative Officer,
VAO Office,
Kaliyanur Village,
Kumarapalayam Taluk,
Namakkal District.

6.Kumar
7.Amavasai Gounder
8.Marappa Gounder
9.Palanisamy
10.Pavuthaaiyammal

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorari Mandamus calling for the record on the file of the 4th respondent in respect of the proceedings vide C.P.No.92 of 2023 dated 20.11.2023 and to quash the same as illegal, incompetent and ultra vires and consequently direct the official respondents 1 to 5 herein to forbear the private respondents from carrying on the construction work in the property situated at Kaliyanur Village, Tiruchengode Taluk, comprised in S.No.17/4B and 17/5 measuring an extent of 5010 square feet without obtaining proper permission from the competent authority as per the Tamil Nadu Combined Development and Building Rules, 2019.

For Petitioner : Mr.Guruprasad

For Respondent (s) : Mr.P.Sathish, AGP for RR1 to 5

Mr.M.Santhanaraman for RR6 to 10



W.P.No.725 of 2024

WEB COPY

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 20.11.2023 in C.P.No.92 of 2023 and for a consequential direction to the respondents 1 to 5 herein to forbear the private respondents from carrying on the construction work in the property situated at Kaliyanur Village, Tiruchengode Taluk, comprised in S.No.17/4B and 17/5 measuring an extent of 5010 square feet without obtaining proper permission from the competent authority as per the Tamil Nadu Combined Development and Building Rules, 2019.

2. It is the case of the petitioner is that an extent of 5010 square feet of land in S.No.17/4B & 17/5 situated at Kaliyanur Village, Tiruchengode Taluk, was allotted jointly to the petitioner and the private respondents 6 to 10 under a partition deed dated 23.07.2010 and after such partition, the land has been in their joint possession. She is one of the co-owners of the said property. While so, the respondents 6 to 10 without her permission have started constructing a temple on the joint family property illegally. The respondents 6 to 10 have also deliberately failed to follow the due process of law before started constructing a religious building in a residential property. Such permission is required as per



W.P.No.725 of 2024

Section 4 of the Tamil Nadu Combined Development and Building Rules,

2019. The grievance of the petitioner is that she gave a representation in this regard to the 4th respondent, however, the same was rejected by way of impugned order. Hence, the writ petition.

3. A counter affidavit has been filed by the 4th respondent *inter alia* contending that petitioner is a co-owner and if at all she has any grievance regarding the alleged construction on the joint family property, it is for her to workout her remedy in the manner known to law before the civil court having jurisdiction.

4. At the outset, this court is of the view that the present writ petition is not at all maintainable since the grievance of petitioner is that her co-owners are trying to construct a temple on the joint family property. Admittedly, the property in question is in joint possession of all the co-owners. If any one of the co-owners makes an attempt to put up any construction on the joint family property, the remedy for the petitioner is to approach the Civil Court having jurisdiction for appropriate reliefs or at least for injunction seeking to restrain the other co-owners from altering the nature of the joint family property. Without taking such recourse, the petitioner cannot expect that merely on her representation to the 4th respondent, the right of the respondents 6 to 10, who



W.P.No.725 of 2024

are the other co-owners should be deprived of. In such view of the matter, let the petitioner establish her right in appropriate civil court.

In the result, writ petition is dismissed however with the above observations. No costs. Consequently, connected WMP is closed.

01..04..2024

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

- 1.The District Collector, District Collector Office,
Namakkal District.
- 2.The District Revenue Officer, District Revenue Office,
Thillaipuram, Namakkal 637 001.
- 3.The Revenue Divisional Officer, Tiruchengode Taluk,
RDO Office, Tiruchengode, Namakkal 637 211.
- 4.The Tahsildar, Tiruchengode Taluk Office, Kollaipalayam, Tiruchengode,
Namakkal 637 211.
- 5.The Village Administrative Officer, VAO Office, Kaliyanur Village,
Kumarapalayam Taluk, Namakkal District.



WEB COPY



W.P.No.725 of 2024

N.SATHISH KUMAR.J.,
kmk

W.P.No.3258 of 2024

01..04..2024