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W.P.No.3724 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.3724 of 2024

Nattukalpalayam Periya Koil
Shri Angala Amman Trust,
Represented by its Secretary,
N.Govindarajan,
No.H2/M2/166, R.M.Colony,
Pillaiyarpalayam, Dindigul.

... Petitioner

Vs.

- 1.The District Collector,
Coimbatore.
- 2.Tahsildar,
Pollachi.
- 3.Block Development Officer,
Pollachi Taluk,
Coimbatore.
- 4.The President,
Nattukalpayalam Panchayat,
Nanjampatti Post,
Pollachi Taluk.



W.P.No.3724 of 2024

WEB COPY

5.M.P.Srinivas

6.R.Iyyappan

7.T.Venkatachalam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 5 to 7 herein to prevent the unauthorized construction that is being put up at Natham S.No.239/4, Nattukalpalayam Village to an extent of 1290 square meters, by considering the petitioner's representation dated 21.12.2023.

For Petitioner	:	Mr.C.Jagadish
For R1 and R2	:	Mr.R.Vigneswaran Government Advocate
For R3 and R4	:	Mr.T.Venkatesh Kumar Special Government Pleader
For R5 to R7	:	Mr.P.Saravana Sowmiyan

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents 5 to 7 herein to prevent the unauthorized construction that is



W.P.No.3724 of 2024

being put up at Natham S.No.239/4, Nattukalpalayam Village to an extent of 1290 square meters, by considering the petitioner's representation dated 21.12.2023.

2.The petitioner Trust claims title to the property measuring an extent of 1290 sq.m. at Natham S.No.239/4, Nattukalpalayam Village under a registered sale deed dated 02.11.2017. It is the case of the petitioner that the respondents 5 to 7, by claiming illegal right over the property of the petitioner Trust, are trying to put up construction without obtaining any permission from the authorities. It is also stated by the petitioner that a civil suit is pending between the petitioner and the private respondents regarding their right over the administration of Trust. Since the petitioner's representation to the official respondents to prevent the unauthorized construction was of no avail, the petitioner has approached this Court by filing the above writ petition.

3.Heard the learned counsel on either side and perused the materials on record.



W.P.No.3724 of 2024

WEB COPY

4. It is stated that the private respondents have submitted an application for grant of planning permission. Irrespective of the disputes between the petitioner and the private respondents, the official respondents shall consider the application for planning permission stated to have been filed by the private respondents, if any, on merits and in accordance with law. If the private respondents satisfy the official respondents that the proposed construction is in accordance with the Building Regulations, the private respondents can be granted planning permission and proceed with the construction. Till such time the application for grant of planning permission stated to have been filed by the private respondents is decided, the private respondents shall not proceed with the construction. It is made clear that the building plan permission will not be rejected on the mere ground that the petitioner has an objection on account of the pendency of the civil suit. It is open to the petitioner to prosecute the suit in the manner known to law. The Civil Court is competent to grant interim order if it is required to protect the interest of parties ignoring this order. It is made clear that this Court does not decide any right or title of any of the parties as it is



W.P.No.3724 of 2024

the competent Civil Court which shall decide all the factual issues on merits.

WEB COPY

5. With the observations and directions indicated above, this writ petition is closed. No costs.

(S.S.S.R., J.) (N.S., J.)
08.03.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The District Collector,
Coimbatore.
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3. The Block Development Officer,
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S.S. SUNDAR, J.



WEB COPY



W.P.No.3724 of 2024

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W.P.No.3724 of 2024

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