



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21732 of 2019

and

W.M.P.No.20949 of 2019

S.Narayanasamy

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Housing and Urban Affairs [PMAY]
Government of India,
New Delhi.
- 2.The District Collector,
Cuddalore District.
- 3.The Thasildar,
Kaatumannar Koil Taluk,
Cuddalore District.
- 4.Block Development Officer,
Kaatumannar Koil,
Panchayat Union,
Cuddalore District.
- 5.Executive Engineer,
Tamil Nadu Electricity Board,
Sethiathope Division,
Cuddalore District.



6. The Superintendent of Police,
Cuddalore District.

7. Ganasemoorthy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to conduct enquiry and to initiate action against the 7th respondent and to cancel the sanction granted by the 1st respondent under the Prime Minister Housing Scheme (Rural) in SECC.No.3133600501350000031600036001 for putting up illegal structure without building plan.

For Petitioner	: Mr.T.Saravanan
For R1	: Mr.J.Madanagopal Rao Senior Panel Counsel
For R2 to R4 & R6	: Mr.P.Balathandayutham Special Government Pleader
For R5	: Mr.L.Jai Venkatesh
For R7	: Mr.P.R.Thiruneelakandan

ORDER

The relief sought for in the present writ petition is to direct the 4th respondent to conduct an enquiry and to initiate action against the 7th respondent and to cancel the sanction granted by the 1st respondent under the



Prime Minister Housing Scheme (Rural) for putting up illegal structure without building plan.

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2. It is not in dispute that the 7th respondent availed the subsidy for construction of house under Prime Minister Housing Scheme. The petitioner set out allegations by stating that he is the owner of the property in which the 7th respondent obtained subsidy benefits from the Government of India and constructed a house. In other words it is stated that the 7th respondent has encouraged upon the petitioner's land and constructed a house. Such nature of civil disputes cannot be adjudicated in a writ proceeding.

3. It is brought to the notice of this Court by the learned Special Government Pleader appearing on behalf of the respondents 2 to 4 and 6 that a Civil Suit has been filed in O.S.No.34 of 2019 on the file of the Sub Court, Chidambaram. The petitioner has filed return statement and the Suit is now pending.

4. The Civil Rights of the parties will be decided by the Competent Civil Court of Law. As far as the sanctioning of subsidy benefits under the



Prime Minister Housing Scheme or the construction of house, building plan approval or permission from the competent authorities obtained or not is to be verified by the District Collector. Therefore, the District Collector is directed to verify the genuinity of the subsidy benefits granted to the 7th respondent and the building plan permission granted and accordingly, take a decision as expeditiously as possible.

5. As far as the title dispute is concerned, it will be resolved by the Civil Court. However, the other allegations are concerned, the District Collector shall conduct an enquiry and if any illegality or irregularity is notified, then all suitable actions are to be initiated.

6. With the above said directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2024

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Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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