



W.P.(MD) No.4436 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

W.P.(MD) No.4436 of 2024

K.Subbaiah

... Petitioner

-VS-

- 1.The District Collector /
Monitoring Committee
Collectorate
Thoothukudi District
Korampallam
Thoothukudi
- 2.The Assistant Director of Panchayat
O/o.AD Panchayat
Collectorate
Kokirakulam, Tirunelveli
Tirunelveli District
- 3.The Tahsildar
Taluk Office
Tiruchendur
Thoothukudi District



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4.The Executive Officer
Panchayat Board
Udangudi, Thoothukudi District

5.L.Jeganath

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to consider the petitioner's representation dated 28.01.2024 and further to direct the respondents 2 and 4 not to grant any plan approval to the fifth respondent without conducting a proper enquiry.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.G.Mohan Kumar for R5

ORDER

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

We have heard Mr.V.Rajiv Rufus, learned counsel for the petitioner, Mr.P.Thilakkumar, learned Government Pleader, for the respondents 1 to 4 and Mr.G.Mohan Kumar, learned counsel for the fifth respondent.



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2. The present writ petition is filed in the nature of a public interest litigation. Request is made to consider the representation dated 28.01.2024 and not to grant construction permission or any plan approval to the fifth respondent, without conducting a proper enquiry.

3. It is submitted by the learned counsel for the fifth respondent that the fifth respondent was granted approval of a plan. Thereafter, a stop work notice was issued. The fifth respondent challenged the same by way of a writ petition. The said writ petition was allowed by the learned Single Judge.

4. Learned counsel for the petitioner submits that the petitioner was not a party in the said writ petition. He had appeared for the present petitioner in the said matter and sought time. But, his request was not accepted and the order came to be passed by the learned Single Judge.

5. Be that as it may, there cannot be two contrary orders in force with regard to the same subject matter. The learned Single Judge has already dealt with the matter and passed the orders. If the party feels that the order is passed without the relevant facts placed on record, the aggrieved party has a



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remedy available in respect of the said order. However, when the said order is in force, entertaining a public interest litigation would not be appropriate.

6. In the light of that, the present writ petition is dismissed. No costs.

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

[G.I., J.]

27.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector /
Monitoring Committee,
Collectorate,
Thoothukudi District,
Korampallam,
Thoothukudi.

2.The Assistant Director of Panchayat,
O/o.AD Panchayat,
Collectorate,
Kokirakulam, Tirunelveli,
Tirunelveli District.



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- 3.The Tahsildar,
Taluk Office,
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- 4.The Executive Officer,
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THE HONOURABLE CHIEF JUSTICE
and
G.ILANGOVAN, J.

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