



W.P(MD)No.5134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5134 of 2024
and
W.M.P(MD)Nos.4918 & 6155 of 2024

1.C.Rabeekraja

2.R.Kasaniya

3.C.Paneer Mohammed

4.P.Rajasekaran

5.R.Karthikeyan

6.R.Veeranasamy @ Vivek

... Petitioners

Vs.

1.The District Collector,
Collector Office Road,
Madurai – 625 020.

2.The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Tallakulam,
Madurai – 625 002.



W.P(MD)No.5134 of 2024

3.The Executive Engineer (Planning),
Town Planning Section,
Madurai Corporation,
Arignar Anna Maaligai,
Tallakulam,
Madurai – 625 002.

4.D.Senthil Kumar

5.K.Packiyaraman

6.P.Muthuraman

7.P.Sivaraman

8.The Assistant Engineer (Planning),
Zone – 2,
Madurai Corporation,
Arignar Anna Maaligai,
Tallakulam,
Madurai – 625 002.

***(R.8 is impleaded vide order of
this Court dated 12.02.2024)***

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 8th respondent in proceedings No. 115/BL/2023/02821 dated 22.08.2023 and quash the same and consequently direct the respondents not to take any further steps, in pursuance of the impugned order, for construction over the property situated in Survey Nos.5/3, 5/3A2, 5/3A3, 5/3A4, 5/3B1, 5/3B2, 5/3B3, 5/3C, 5/3D, Managiri Village, Madurai (North) Taluk.

***(Prayer amended vide order of this Court dated 12.03.2024 in
W.M.P(MD)No. 5612 of 2024)***



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W.P(MD)No.5134 of 2024

For Petitioners : Mr.Naveen Kumar Murthi
Senior Counsel
for Mr.K.Shanmugasundaram

For Respondents : Mr.P.Thambi Durai
Government Advocate for R.1

Ms.S.Devasena for R.2, R.3 & R.8

Mr.M.Rajaraman for R.4

Mr.N.Tamilmani for R.5 to R.7

ORDER

Heard both sides.

2.The petitioners feel aggrieved by the grant of planning permission and building permission in favour of the fourth respondent. Challenging the said orders of granting permission, this writ petition has been filed.

3.The learned Senior Counsel appearing for the petitioners points out that the petitioners had claimed title over the land measuring 1 acre and 12 cents by virtue of sale deeds executed in their favour in the year 2008. The respondents 5 to 7 moved the District Registrar (Administration), Madurai North impeaching the said sale deeds bearing



W.P(MD)No.5134 of 2024

Document No.793/2008 and 3706/2008 on the file of SRO, Thallakulam.

The said authority vide proceedings dated 09.08.2023 accepted the claim of the respondents 5 to 7 characterising the sale deeds in the name of the writ petitioners as fraudulent. The petitioners thereupon filed W.P(MD)No.27242 of 2023 before this Court and obtained interim order on 15.11.2023. It is submitted that the impugned permissions were granted shortly thereafter.

4.When the matter was taken up for hearing, the learned counsel appearing for the fourth respondent clarified that they have nothing to do with the respondents 5 to 7 or the case initiated by them. It is further claimed that the fourth respondent is independently tracing his title over 22 cents of land from one Selvaraj and Shanmugaiah. The sale deeds on which reliance is placed by the fourth respondent are dated 16.04.1992.

5.In these circumstances, the writ Court may not be in a position at this stage to enter into the merits of matter. It is not in dispute that as against the planning permission granted by the third respondent, the petitioners can very well file an appeal before the second respondent.



W.P(MD)No.5134 of 2024

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6.I therefore dispose of this writ petition in the following terms:

a) The petitioners are at liberty to file an appeal before the second respondent. As and when such an appeal is filed, it shall be entertained without reference to limitation and immediately taken on file. Notice shall be issued by the second respondent to the fourth respondent. Enquiry shall be held. The petitioners shall be permitted to place all the materials in support of that case before the second respondent. The second respondent will pass a specking order. The entire exercise shall be completed within a period of eight weeks from the date of submission of appeal by the writ petitioners. The rights of the petitioners as well as that of the fourth respondent will abide by the outcome of the order to be passed by the second respondent.

b)The fourth respondent shall not claim any equity. If the fourth respondent is putting up any construction, he is doing so at his own risk. The contentions of both



W.P(MD)No.5134 of 2024

parties (writ petitioners and the fourth respondent) are left
open.

There shall be no order as to costs. Consequently, connected
miscellaneous petitions are closed.

22.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: Issue order copy on 25.04.2024.

To

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Madurai Corporation,
Arignar Anna Maaligai,
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W.P(MD)No.5134 of 2024

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W.P(MD)No.5134 of 2024

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