



W.P(MD)No.6300 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.6300 of 2024

and

W.M.P.(MD)No.5900 of 2024

D.R.Prem Chandar

... Petitioner

**Vs.**

- 1.The Principal Secretary,  
Rural Development and Panchayat Department,  
Secretariat,  
Chennai.
- 2.The Principal Secretary,  
Public Works Department,  
Secretariat,  
Chennai.
- 3.The District Collector,  
Office of the District Collector,  
Madurai District.
- 4.The Director,  
Office of the Directorate of  
Town and Country Planning,  
Directorate of Town and Country Planning,  
Aringar Anna Maligai 3<sup>rd</sup> Floor,  
Madurai Corporation Office,  
Tallakulam, Madurai.
- 5.The Superintendent of Police,  
Superintendent of Police Office,  
K.Pudur, Madurai.



W.P(MD)No.6300 of 2024

6. The President,  
Uthappanaickannur Panchayat,  
Uthappanaickannur,  
Usilampatti Taluk,  
Madurai.

7.P.David Jawahar  
(R7 is impleaded vide order dated  
08.04.2024 in W.M.P.(MD)No.6787 of 2024)

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents herein from according permission for the construction of the Memorial Building to Mr.Late.D.Pandian in the suit property in O.S.No. 1440/2022 on the file of the IInd Additional Sub Judge, Madurai by considering his representation dated 02.03.2024.

For Petitioner : Mr.VB.Sundhareshwar

For Respondent : Mr.P.Thambi Durai  
Government Advocate  
for R1 to R4 & R6

: Mr.A.Albert James  
Government Advocate (Crl.side)  
for R5

: Mrs.P.Jessi Jeeva Priya for R7

## ORDER

Heard both sides.



**W.P(MD)No.6300 of 2024**

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2. It is not in dispute that the property on which the proposed structure is to come up is the subject matter of O.S.No.1440 of 2022 on the file of the II Additional Sub Judge, Madurai. If the petitioner wants relief against the private respondents, injunction can be obtained in the said suit. I grant such liberty to file a fresh IA. Admittedly, as on date only foundation stone laying ceremony had been held. No construction as such has come up. If according to the petitioner, a building is going to put up, then obviously permission will be required. If it is a mere statue, then permission is not required. If against law any structure comes up, it is always open to the petitioner to move this Court again for appropriate relief. I make it clear that I have not gone into the merits of the matter. All the contentions of the respective parties are left open.

3. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**05.06.2024**

Index : Yes / No  
Internet : Yes/ No  
rmi



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W.P(MD)No.6300 of 2024

**G.R.SWAMINATHAN, J.**

rmi

To

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W.P(MD)No.6300 of 2024



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