



W.P(MD)No.10080 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10080 of 2024

and

W.M.P(MD)Nos.9104 to 9106 of 2024

V.Moorthy

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Member Secretary,
Madurai Local Planning Authority,
Corporation Office Building,
Anna Maligai,
3rd Floor,
Madurai – 02.
- 3.The District Revenue Officer,
Madurai,
Madurai District.
- 4.The Revenue Divisional Officer,
Melur,
Madurai District.
- 5.The Block Development Officer,
Madurai East,
Madurai District.



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6.The President,
Pudhupatti Panchayat,
Y.Othakadai,
Madurai District.

7.The Tahsildar,
East Taluk Office,
Madurai District.

8.S.Madan

9.P.Sekar

10.Rani

... 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 pertaining to the building plan approval in ROC No. 66 dated 16.03.2024 on the file of the 6th respondent for the lands in natham Old S.No.46/1 in New S.No. 120/26 and 120/24 in Pudhupatti Village, Madurai East, Madurai District and quash the same as illegal and consequently for a direction directing the respondents 1 to 7 to forbear the respondents 8 to 10 not to put up any construction till the disposal of the appeal so as to cancel the illegal patta in Na.Ka.No.G2/1540958/2023 dated 11.12.2023 pending before the third respondent within time.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.N.GA.Natraj
Government Advocate
for R.1 to R.4 & R.7

Mr.K.S.Selvaganesan
Additional Government Pleader
for R.5 & R.6



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ORDER

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Heard the learned counsel appearing for the writ petitioner, the learned Government Advocate appearing for the respondents 1 to 4 & 7 and the learned Additional Government Pleader appearing for the respondents 5 & 6. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The petitioner challenges the building plan approval granted by the local body.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.Since the petitioner had already filed O.S.No.143 of 2022 on the file of District Munsif Court, Melur, the question of parallelly invoking the writ jurisdiction may not arise. The petitioner is permitted to pursue his remedy in the pending suit. In view of the subsequent developments that have taken place, the petitioner is permitted to file a fresh Interlocutory Application. The learned counsel appearing for the petitioner states there is some urgency.



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5.I therefore direct the trial Court / Vacation Court to number the Interlocutory Application and give a disposal as expeditiously as possible. The trial Court can even consider granting exparte relief.

6.With this liberty to the petitioner and direction to the trial Court / vacation Court, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.04.2024

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

Note: Issue order copy on 26.04.2024.

To

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3.The District Revenue Officer,
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G.R.SWAMINATHAN,J.

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