



W.P.(MD)No.11725 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.11725 of 2024

and

W.M.P.(MD)No.10465 of 2024

Veerappan

: Petitioner

Vs.

1.The District Collector,
Trichy,
Trichy District.

2.The Tahsildar,
Duraiyur,
Trichy district.

3.The Block Development Officer,
Duraiyur,
Trichy District.

4.The Executive Officer,
Azhagapuri Panchayat,



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Duraiyur Taluk,
Trichy District.

5.Arumugam

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal / unauthorized construction put up by the fifth respondent without following the procedure contemplated under the Tamil Nadu Panchayat Acts and Tamil Nadu Panchayat Building Rules, 1997 and Tamil Nadu Urban Local Bodies Act, 1998 in S.Nos.147/3L and 147/3N, Azhagapuri Village, Duraiyur Taluk, Trichy District.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents 1 to 4 : Mr.N.Satheesh Kumar

Additional Government Pleader

O R D E R

[Order of the Court was made by R.SURESH KUMAR, J.]

The prayer sought for herein is for a Writ of Mandamus, seeking for a direction to the respondents 1 to 4 to remove the illegal / unauthorized construction put up by the fifth respondent without following the procedure contemplated under the Tamil



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Nadu Panchayat Acts and Tamil Nadu Panchayat Building Rules, 1997 and Tamil Nadu Urban Local Bodies Act, 1998 in S.Nos. 147/3L and 147/3N, Azhagapuri Village, Duraiyur Taluk, Trichy District.

2.Though such a prayer has been sought for, we after having gone through the documents which are filed before this Court and after hearing the learned Counsel appearing for the petitioner are of the view that, whether the disputed construction that has been made by the fifth respondent in the cart track is an exclusive property of the fifth respondent or a common property to be used by the petitioner, fifth respondent and others is the issue where there has been a civil litigation already been pending before the Civil Court, especially in O.S.No.138 of 2020, on the file of the District Munsif Court, Duraiyur, where both the petitioner and the fifth respondent are parties.

3.When that being the position, the basic issue of the ownership of the land in which the disputed structure has been constructed by the fifth respondent has to be gone into by the Civil Court by appreciating evidences at both sides. Therefore, at this juncture, we do not want to entertain this writ petition.



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4.Accordingly, this writ petition is dismissed, with liberty to the petitioner to approach the Civil Court, where, in the pending suit itself necessary applications can be filed by the petitioner for seeking proper relief. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

05.06.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
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