



W.P.(MD)N.18950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06/08/2024

CORAM

The Hon'ble Mr.Justice N.SATHISH KUMAR

WP(MD)No.18950 of 2024

and

WMP(MD)No.16006 of 2024

M.Manjula

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Virudhunagar District.

2. The Deputy Director,
District Town and Country Planning,
Door No. B70, Tamil Nadu Housing Board,
Madurai Road,
Sathirarettiypatti,
Virudhunagar District.

3. The Block Development Officer,
Office of the Block Development Officer,
Vembakottai Panchayat Union,
Virudhunagar District.

4. The President,
Alangulam Village Panchayat,
Vembakottai Panchayat Union,
Virudhunagar District.

5. N.S.Suresh

6. K.Ramathilagam

7. M.Viswanathan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 4 from granting any building permission and plan approval in favor of the 7th respondent to construct any building upon 7.38 cents in Survey No. 1111/3A, 1111/3A2, 1111/3B, 1111/3B5, 1111/3C, 1111/3C1 and 1111/3D in Alangulam Village, Venbakottai Taluk in Virudhunagar District based on the sale deed in Document No. 1037 of 2023.

For Petitioner : Mr.S.Malaikani
For R1 & R2 : Mr. D.Gandhiraj
Special Government Pleader
For R3 & R4 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The case of the petitioner is that the petitioner is entitled to her share in the properties of her father Late N.S.Subba Raja. After the demise of her father, her mother, her elder brother N.S.Venkatesan and



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the 5th respondent who is another brother, entered into a partition deed on 29.02.2016 vide Document No.588 of 2016. Thereafter, the 5th respondent had executed a sale deed in respect of the above property in favour of the 6th respondent under a registered sale deed in Document No.1024 of 2017 on 05.07.2017. Hence, the petitioner filed a suit in O.S.No.10 of 2019 before the Principal District Court, Virudhunagar District at Srivilliputhur challenging the partition deed entered between her mother and brothers dated 29.02.2016 and the same is pending. Pending suit, the 6th respondent executed a sale deed in Document No. 1037 of 2023 on 23.03.2023 on the file of Keelarajakularaman Sub Registrar Office, alienating the said 7.38 cents of vacant house site in favour of the 7th respondent. Fully knowing the pendency of the suit with regard to the partition between the family members, the 7th respondent has purchased the land and he is taking steps to get building permission, plan approval and electricity connection. Hence, the petitioner sent a detailed representation to the respondents 1 to 4 requesting not to provide any building permission and plan approval. But the said representation was not considered. Hence, this petition.



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4. Considering the facts and circumstances of the case, this

Court is of the view that mere pendency of the suit will not be a bar for the co-owner to sell the undivided share of the property. Subject to the outcome of the suit, if the property is allotted to the petitioner, as per the final decree the petitioner can work out her remedy in the Civil forum.

5. Accordingly, this Writ Petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

06.08.2024

NCC : Yes / No
Index : Yes / No
PJL

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4. The President,
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N.SATHISH KUMAR , J.

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