



W.P.(MD)Nos.19746 and 19764 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.19746 and 19764 of 2024

W.P(MD).No.19746 of 2024

Velmurugan

.. Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Thoothukudi District.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO), Thoothukudi Circle,
Ettaiyapuram Road, Thoothukudi,
Thoothukudi District.
- 3.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO),
Kootampuli Road, Pudukkottai,
Thoothukudi District.
- 4.Petchimuthu

... Respondents



W.P.(MD)Nos.19746 and 19764 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 2 and 3 to consider the petitioner's representation dated 24.07.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Muthumalairaja
For Respondents : Mr.D.Gandhiraj (for R1)
Special Government Pleader
Mr.S.Deenadhayalan (For R2 & R3)
Senior Counsel
Mr.J.Balameenakshi (for R4)

W.P(MD).No.19764 of 2024

Velmurugan

.. Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Thoothukudi District.
- 2.The Sub-Collector,
Office of Sub-Collector,
Beach Road, Thoothukudi.
- 3.The District Revenue Officer,
District Collectorate Campus,
Korapallam, Thoothukudi,
Thoothukudi District.
- 4.The Project Director,
(Rural Development)
Office of the Collectorate,
Thoothukudi, Thoothukudi District.



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5.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

6.The Block Development Officer,
Pudukottai, Thoothukudi Union,
Thoothukudi Taluk, Thoothukudi District.

7.The President,
Muduvaithanenthal Panchayat,
Muduvaithanenthal,
Thoothukudi Taluk,
Thoothukudi District.

8.The Panchayat Secretary,
Muduvaithanenthal Panchayat,
Muduvaithanenthal,
Thoothukudi Taluk,
Thoothukudi District.

9.Petchimuthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 6 to 8 to consider the petitioner's representation dated 24.07.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Muthumalairaja
For Respondents : Mr.D.Gandhiraj (for R1 to R5)
Special Government Pleader
Mr.A.Baskaran (for R6 & R7)
Additional Government Pleader
Mr.J.Balameenakshi (for R9)



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COMMON ORDER

The petitioner wants to cancel the building permission granted to one Petchimuthu/private respondent herein.

2. According to the petitioner, as against the judgment and decree made in O.S.No.413 of 2006, the petitioner filed S.A(MD).No.SR17744 of 2020 with the delay application in C.M.P(MD).No.3270 of 2020 before this Court and the same is pending. In the meantime, the said Petchimuthu obtained permission to construct a building in the suit property. Hence, he seeks direction of this Court.

3. At the outset, as a declaration decree is operating against the writ petitioner, as a matter of right, the petitioner cannot maintain the writ petition. The petitioner tried to achieve what he could not achieve in the civil Court by way of filing a writ petition. Hence, I do not find any merits in this petition. If any development is made in the suit property, which is always subject to the outcome of the second appeal.



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4. With the above observation, these Writ Petitions stand dismissed. No costs.

19.08.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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