



W.P(MD)No.23951 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23951 of 2024

Palanichamy

... Petitioner

Vs.

1.The Regional Development Officer (RDO),
Manikandam Panchayat Union,
Srirangam Taluk, Trichy District.

2.The President,
Sethurapatti Panchayat Union,
Srirangam Taluk, Trichy District.

3.Antony Joseph
4.R.Ganesh
5.Kabriyel

... 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 1 and 2 to consider the petitioner's objection dated 21.08.2024 not to grant building plan approval to the Survey No.70/2 situated in Sethurapatti Village, Srirangam Taluk, Trichy District and consequently, to direct the respondents 3 to 5 for any relief to approach the pending suit in O.S.No.119 of 2024 on the file of the District Munsif Cum Judicial Magistrate Court, Srirangam within a time frame stipulated by this Court.



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For Petitioner : Mr.I.Velpradeep
For R2 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

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

2.According to the petitioner, the property in Survey No.70/2 to an extent of 4650 sq.ft., situated at Sethurapatti Village, Srirangam Taluk, Trichy District belonged to the 3rd respondent. The 4th respondent is the power agent of the 3rd respondent. The petitioner entered into a sale agreement with the respondents 3 and 4 in respect of the property in question. However, they did not come forward to execute the sale deed. Therefore, the petitioner filed O.S.No.776 of 2001, seeking for specific performance. Pending the suit, the property has been sold to the 5th respondent and therefore, the petitioner has filed another suit in O.S.No.119 of 2024, seeking declaration to declare the sale deed executed in favour of the 5th respondent as null and void and the same is also pending. Now, the 5th respondent is trying to obtain building plan approval, for which, the petitioner sent a representation dated 21.08.2024 to the respondents 1 and 2, requesting them not to grant building plan approval.



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Since the same has not been considered so far, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that the right of the petitioner has not been crystallized so far and the petitioner claims right based on the agreement of sale, which, in fact, does not create any interest or charge over the property. Unless the right has been crystallized and the agreement has been enforced by the Court of law, such a blanket direction, prohibiting the statutory authorities from discharging their statutory functions, cannot be issued.

4.It is stated by the learned Additional Government Pleader appearing for the 2nd respondent that no such application, seeking building plan approval, has been given by the 5th respondent.

5.In such view of the matter, recording the submission made by the learned Additional Government Pleader, this Writ Petition stands dismissed.
No costs.

14.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva



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N.SATHISH KUMAR, J

Yuva

To
The President,
Sethurapatti Panchayat Union,
Srirangam Taluk, Trichy District.

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