



WEB COPY

WA.No.1412 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 08.04.2025**

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WA.No.1412 of 2024  
and  
CMP.No.10068 of 2024**

Kamalammal

... Appellant

Vs.

1. The Assistant Director,  
Town Local Planning Department [Planning Permission],  
No.6, Sannathi Street, Subramaniya Nagar,  
Sooramangalam,  
Salem - 636 005.
2. The Commissioner,  
Attur Municipality,  
Attur Taluk,  
Salem District.
3. Boobathy
4. Devan
5. Arul
6. Sathish
7. K.Ganesan
8. S.Bharath

... Respondents



**Prayer:** Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 27.07.2023 made in W.P.No.20353 of 2023.

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For Appellant : Mr.P.R.Krishnaraj  
For Respondents : Mr.G.Ameedius  
Government Advocate for R1 & R2  
: Mr.P.Sathish Kumar  
for Mr.P.Dineshkumar for R3 to R6  
: Ms.Thejashvini  
for Mr.K.S.Navin Balaji for R7 & R8

### **JUDGMENT**

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ order dated 27.07.2023 passed in W.P.No.20353 of 2023 is sought to be assailed in the present writ proceedings.

2. The writ petitioner is the appellant before this Court.

3. The writ petition has been instituted by the appellant to direct the 2nd respondent not to issue building plan approval pursuant to the order of the 1st respondent dated 01.02.2023.

4. The appellant claiming 1/3 right in the subject property in



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question by virtue of a will allegedly executed by one of the sharer namely Mr.A.S.Chinnasamy on 01.09.1989, cannot be adjudicated by the writ Court in exercise of powers of judicial review under Article 226 of the Constitution of India. The writ Court found that the appellant has already filed a final decree petition in OS.No.303 of 1997 on the file of the Sub Court, Attur, which is a partition suit.

5. That being so, the issues sought to be resolved through the civil Court and after crystallization of the civil rights between the parties, appropriate application is to be filed before the competent authorities. The writ Court has made such an observation and disposed of the writ petition.

6. This Court do not find any infirmity in respect of the said observations made by the writ Court and consequently, the Writ Appeal stands dismissed. No costs. Connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]

08.04.2025

veda  
Index: Yes/No  
Speaking order/Non-speaking order  
Neutral Citation: Yes/No

**S.M.SUBRAMANIAM,J.**  
**AND**  
**K.RAJASEKAR,J.**



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