



W.P(MD)No.1115 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.1115 of 2025
and
W.M.P(MD)Nos.748 of 2025**

P.Sankaran

... Petitioner

Vs.

- 1.The District Collector /
Monitoring Committee,
Office of the District Collectorate,
Sivagangai District.
- 2.The Member Secretary,
Local Town Planning Authority,
Sivagangai District.
- 3.The District Revenue Officer,
District Revenue Office,
Sivagangai District.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District.



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5.The Block Development Officer,
Block Development Office,
Thiruppuvanam,
Sivagangai District.

6.The Sub Registrar,
Thiruppuvanam,
Sub Registrar Office,
Thiruppuvanam,
Sivagangai District.

7.Sathishkumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachment made by the seventh respondent in Maranadu water channel pathway, Kothankulam water channels and remove the unauthorized construction of the bridge near Karuppasamy temple and direct the second respondent to cancel the approval given to Sri Angalaparameswari Nagar in LP(SWP)/DTCP/SIVAGANGAI No.25/2024. ROC.No.SWP-VE4KB14L/2024/TCP Dated 04.03.2024 in Survey Nos.28/2B1B and 28/16B at Ladanenthal Village, Thiruppuvanam Taluk, Sivagangai District and direct the sixth respondent not to register the document for the plots in Survey Nos. 28/2B1B and 28/16B at Ladanenthal Village, Thiruppuvanam Taluk, Sivagangai District and by considering the representation of the petition dated 07.12.2024 within the reasonable time as may be fixed by this Court.

For Petitioner : Mr.T.Balarathinakumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.6



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Mr.T.Lajapathi Roy
Senior Counsel
for Mr.Aswin Rajasimmon for R.7

ORDER

Heard both sides.

2.The seventh respondent had promoted a layout in the name and style of “Sri Angalaparameswari Nagar” in the petition mentioned survey numbers in Ladanenthal Village, Thiruppuvanam Taluk, Sivagangai District. The petitioner claims that while promoting the said layout, the seventh respondent had committed encroachment on the adjoining water body.

3.The petitioner therefore wants the approval granted for the layout to be cancelled. He also wants this Court to restrain the jurisdictional registering authority from registering any document pertaining to the housing plots comprised in the layout.

4.The learned counsel appearing for the petitioner took us through the averments set out in the affidavit filed in support of the Writ Petition and also the materials enclosed in the typed set of papers.



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5. We are not swayed by the submissions of the learned counsel appearing for the petitioner. The learned Special Government Pleader on instructions clearly states that the water bodies which are adjoining the layout are very much intact. It is also seen that the seventh respondent has obtained permission from the concerned authority for putting up a bridge over the said water channel.

6. Be that as it may, if the petitioner is aggrieved by the grant of layout permission, the petitioner has to go before the appellate Tribunal under the Real Estate (R&D Act), 2016. Invoking the writ jurisdiction of this Court is not warranted.

7. The seventh respondent has filed a typed set of papers and the learned Senior Counsel took us to the sworn statement given by the writ petitioner herein. It appears that the writ petitioner had earlier levelled allegations of illicit transport of minerals to the District Collector, Sivagangai. Later he had given a statement that such an allegation was made against the second respondent under a mistaken impression and he has also stated that he does not want any further action to be taken on his complaints dated 01.07.2024 and 27.06.2024. This typed set of paper has been served on the learned counsel for the petitioner also.



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8.The genuineness of this sworn affidavit dated 08.07.2024 is not in dispute. We have serious doubts about the motives of the petitioner herein. A person who is filing PIL petition has to come to the Court with clean hands. He should have public interest alone in mind and nothing else.

9.Here we find that the petitioner herein had already raised some allegations against the seventh respondent herein and later settled the issue with him. We warn the petitioner herein from venturing to file similar writ petition in future.

10.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
24.01.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The District Collector /
Monitoring Committee,
Office of the District Collectorate,
Sivagangai District.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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2.The Member Secretary,
Local Town Planning Authority,
Sivagangai District.

3.The District Revenue Officer,
District Revenue Office,
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