



W.P.(MD)No.13115 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

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and

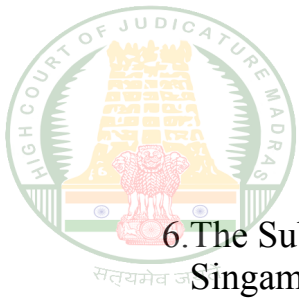
W.M.P.(MD)No.9361 of 2025

A.Subramanian

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Town and Country Planning,
St.George Fort, Chennai.
- 2.The District Collector / Member Secretary,
Local Planning Authority,
Sivagangai District, Sivagangai.
- 3.The Assistant Director of Town Panchayats,
Sivagangai District, Sivagangai.
- 4.The Executive Officer,
Singampunari Town Panchayat,
Sivagangai District.
- 5.The Zonal Deputy Tahsildar,
Singampunari Taluk, Sivagangai District.



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6. The Sub Registrar,
Singampunari Sub Registration Office,
Singampunari, Sivagangai District.

7.R.Balamurugan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate steps to remove the unauthorized and illegal construction made by the 7th respondent in the property bearing S.No.557/10A, measuring 50 square meters, (0.00.5 hectares), Ward No.19, Thirupathur-Natham Road, Singampunari, Sivagangai District, forthwith by considering the petitioner's representations dated 20.02.2025 and 17.03.2025 by invoking the provisions of the Tamil Nadu Urban Local Bodies Act, 2023 within a period as may be fixed by this Court.

For Petitioner : Mr.S.Skanda Raja

For R1 to R3, R5 : Mr.S.P.Maharajan,

& R6 Special Government Pleader

For R4 : Mr.M.Sarangan,

Additional Government Pleader

For R7 : Mr.A.Prasanna Rajadurai

ORDER

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

The Writ of Mandamus has been instituted to direct the respondents 1 to 5 to take appropriate steps to remove the unauthorized and illegal construction



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made by the 7th respondent in the property bearing S.No.557/10A, measuring 50 square meters, (0.00.5 hectares), Ward No.19, Thirupathur-Natham Road, Singampunari, Sivagangai District, forthwith by considering the petitioner's representations dated 20.02.2025 and 17.03.2025 by invoking the provisions of the Tamil Nadu Urban Local Bodies Act, 2023 within a period as may be fixed by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner purchased the subject property as described in the Writ Petition in the year 2012, wherein the 7th respondent, who is the practicing Lawyer, is an attesting witness. Subsequently, the father of the 7th respondent filed an eviction suit to evict the unauthorized occupation and subsequently, purchased the very same property from one Govindarajan and thereby, committed fraudulent activity against the petitioner.

3.The learned Special Government Pleader appearing for the respondents 1 to 3, 5 and 6 would submit that as far as the unauthorized construction is concerned, the authorities competent have verified the document produced by the applicant and thereafter, granted permission to construct additional floor in the existing building.



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4.The learned counsel appearing for the 7th respondent would submit that the petitioner has committed some fraud.

5.In view of the above submissions, this Court is of the considered opinion that these inter-se disputes between the private parties cannot be resolved in a Writ proceedings. Against the fraudulent activities of any person, all appropriate actions may be taken by approaching the competent forum. Therefore, granting liberty to the petitioner to raise all his grievances before the appropriate forum and challenge the building plan permission, if any granted in violation of the Acts and Rules, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
16.06.2025

NCC : Yes / No

Index : Yes / No

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