



W.P.(MD)No.15139 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.15139 of 2025

and

W.M.P(MD)No.11413 of 2025

S.Ganesamoorthi

... Petitioner

Vs.

- 1.The President/Special Officer,
Y.Othakadai Panchayat,
Madurai East Panchayat Union,
Melur Main Road, Y.Othakadai,
Madurai-625 107.
- 2.The Commissioner,
Madurai East Panchayat Union,
Madurai-625 002.
- 3.The Revenue Divisional Officer,
Melur Revenue Division,
Vellaripatti, Madurai District.
- 4.The Tahsildar,
Madurai East Taluk,
Y.Othakadai, Madurai District.



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5.The Joint Sub Registrar No.1,
Madurai North,
Rajakembiram,
Y.Othakadai, Madurai District.

6.The Deputy Director of Town and Country Planning,
Office of the Deputy Director of Town and Country Planning,
Madurai Region, Anaiyur - Mudakkathan Road,
Koodal Pudur, Madurai-625 017.

7.C.Satheesh Babu

8.G.Devi

9.A.Ganesan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 to take appropriate proceedings to restore the shop site No.1A situated in old Survey No.70/1 and New survey No.70/1B in the Shopping site, Neelamegam nagar, Y.Othakadai, Village Panchayat, Madurai East Panchayat Union, Madurai District to its original status of common property, by fixing a time limit based on the petitioner's representation dated 21.04.2025.

For Petitioner : Mr.D.Gurusamy

For R1 to R6 : Mr.P.Thilak Kumar
Government Pleader

For R8 & R9 : Mrs.B.Bhuvaneshvari
for M/s.Ganesan Legist Law Firm



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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 6 to take appropriate proceedings to restore the shop site No.1A situated in old Survey No.70/1 and New survey No.70/1B in the Shopping site, Neelamegam nagar, Y.Othakadai, Village Panchayat, Madurai East Panchayat Union, Madurai District to its original status of common property.

2. It is not in dispute that as per the approved lay out the subject area has been earmarked for construction of commercial shops, which is a salable area as per rules. The eighth respondent purchased the said land for construction of shops. The said factum is not disputed by the petitioner and the eighth respondent.

3. The learned counsel for the eighth respondent would submit that the eighth respondent has proposed to construct the shops and he will not utilise the same for any other purpose other than the purpose for which, the land was sold in the said lay out.



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4. The learned counsel for the petitioner would submit that the Panchayat alone should construct the shops in that locality.

5. The said ground is untenable since the area earmarked for construction of shops which are salable area and it has already been sold in favour of the eighth respondent. Thus, the petitioner has not made out the case.

6. In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
06.08.2025

NCC : Yes / No
Index : Yes / No
am



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AND
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