



W.P.(MD)Nos.13934 of 2025 and etc.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).Nos.13934, 14597 & 1305 of 2025

and

**W.M.P(MD)Nos.10089, 10090, 10091, 10807, 10809, 10811, 16876,
18101 of 2025**

W.P(MD)No.13934 of 2025:

P.Azeethu

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Chennai.
2. The Deputy Director of Town and Country Planning,
Madurai.
3. The District Officer,
Department of Town and Country Planning,
Madurai.
4. The Executive Officer,
Peraiyur Town Panchayat,
Madurai District.

5. G.Vasanthi

... Respondents



W.P.(MD)Nos.13934 of 2025 and etc.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for records pertaining to the impugned building plan approval dated 24.04.2025 in ROC No. 31/2025, B.A.No. 2/2025-2026 passed by the fourth respondent for construction of building in the subject property in Survey Nos. 104/12 and 104/13, Peraiyur First Bit Village, Madurai District and quash the same and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner	: Mr.J.Barathan
For R1 to R3	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R4	: No Appearance
For R5	: Mr.J.Senthil Kumaraiah

W.P(MD).No.14597 of 2025:

P.Sahul Hameed

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Chennai.
2. The Deputy Director of Town and Country Planning,
Madurai.
3. The District Officer,
Department of Town and Country Planning,
Madurai.
4. The Executive Officer,
Peraiyur Town Panchayat,
Madurai District.

5. L.Sabiullah

... Respondents



W.P.(MD)Nos.13934 of 2025 and etc.

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned building plan approval dated 24.04.2025 in ROC.No.31/2025, B.A.No.3/2025-2026 passed by the fourth respondent for construction of building in the subject property in Survey No.104/15, Peraiyur First Bit Village, Madurai District and quash the same.

For Petitioner	: Mr.J.Barathan
For R1 to R3	: Mr.M.Gangadharan Government Advocate
For R4	: No Appearance
For R5	: Mr.J.Senthil Kumaraiah

W.P(MD)No.1305 of 2025:

P.Azeethu

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Chennai.
2. The Deputy Director of Town and Country Planning,
Madurai.
3. The District Officer,
Department of Town and Country Planning,
Madurai.
4. The Executive Officer,
Peraiyur Town Panchayat,
Madurai District.

... Respondents



W.P.(MD)Nos.13934 of 2025 and etc.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ calling for records pertaining the impugned order dated 26/11/2024 in Na.Ka.No. 153/2024 issued by the fourth respondent and quash the same and consequentially directing the respondents to grant building plan approval as per law and pass such further or other orders as this Honourable Court may deem fit and proper in this circumstances of this case and thus render justice.

For Petitioner : Mr.J.Barathan

For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

COMMON ORDER

By this common order all the three writ petitions are being disposed of.

2. The property in dispute originally belonged to one Ibrahim Sha and he had executed two settlement deeds in favour of his two brothers namely Azeethu and Sahul Hameed under different documents on 13.09.2010. However, the said Ibrahim Sha has chosen to unilaterally cancel these two settlement deeds by way of two different documents on 12.04.2012.



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3. Challenging the unilateral cancellation of the settlement deed, the writ petitioner in W.P(MD)No.13934 of 2025 (Azeethu), has filed O.S.No.89 of 2016 before the District Munsif cum Judicial Magistrate Court, Peraiyur. Due to the amendments carried out, it was transferred and renumbered as O.S.No.224 of 2024, and the same is pending on the file of the VI Additional District Court, Madurai.

4. The other brother who was the beneficiary of the settlement deed viz., the writ petitioner in W.P(MD)No.14597 of 2025 (Sahul Hameed) has filed O.S.No.90 of 2016, challenging the unilateral cancellation of the Settlement Deed before the District Munsif Court, Peraiyur and it has been re-numbered as O.S.No.525 of 2025 and the same is pending on the file of the IV Additional District Court, Madurai.

5. The original owner of the property namely Ibrahim Sha relying upon the unilateral cancellation of the settlement deeds, has executed a registered Sale Deed in favour of a third party on 21.02.2014, who in turn has sold the same in favour of the 5th respondent namely G.Vasanthi.



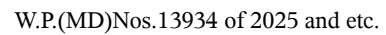
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6. Relying upon the Sale Deed, the said G.Vasanthi has approached the Executive Officer of Peraiyur Panchayat, seeking building plan approval. Based upon the request of the 5th respondent, building plan approval has been granted on 24.04.2025 which is impugned in W.P(MD)No.13934 of 2025 and W.P(MD)No.14594 of 2025 by both the brothers.

7. In the mean time, the petitioner in W.P.(MD).No.13934 of 2025 (Azeethu) has filed another writ petition in W.P.(MD).No.1305 of 2025 seeking to challenge the order passed by the 4th respondent wherein the request of the petitioner for building plan approval has been rejected citing the pendency of the Civil Suit.

8. According to the learned counsel appearing for the petitioners pendency of the Civil Suit is not a bar for granting building plan approval. Therefore, the said order is liable to be set aside.



12. Per contra, learned counsel appearing for the private respondent submitted that the settlement deed executed in favour of both the brothers were cancelled on 12.04.2012 and therefore, they do not have any right over the property in dispute.



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13. On the other hand, the original owner of the property namely Ibrahim Sha has alienated the said property in favour of the 3rd party who in turn had sold the property to the 5th respondent on 01.02.2021. Therefore, as on today, the 5th respondent is the owner of the property and hence, the order passed by the Executive Officer of Peraiyur Panchayat granting building plan approval is perfectly in tune with the Tamil Nadu Combined Development and Building Rule, 2019.

14. Heard the learned counsel on either sides and perused the materials available on records.

15. The facts which have been recorded above would clearly indicate that there is no serious civil dispute between the petitioners and the private respondent in the writ petition, especially with regard to the title of the property.



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16. In such circumstances, it is further noted that the petitioners and the private respondent are already a party in O.S.No.224 of 2024 and O.S.No.525 of 2025.

17. The learned counsel appearing for the petitioner submitted that unilateral cancellation of the settlement deed is void in view of the fact that there is no such clause for revocation of the settlement deed in the document.

18. In such circumstances, the only option that would be open to the writ petitioners is to approach the said Court seeking interim injunction not to put up any construction as against the 5th respondent herein. The authorities cannot be directed to consider whether, a particular document is void or voidable.

19. Therefore, this Court does not find any reasons to interfere in the order granting building plan approval in favour of the 5th respondent. However, the Executive Officer of Peraiyur Panchayat is directed to strictly comply with the order, if any that is going to be passed by the Civil Court



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20. As far as W.P.(MD)No.1305 of 2025 (Azeethu) is concerned, the petitioner is always at liberty to approach the authorities seeking building plan approval depending upon the outcome of the civil Court. The learned Trial Judge is directed to consider the interim injunction application, if any filed by the writ petitioners, without being influenced by any of the observations made by this Court.

21. With these observations, these writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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R.VIJAYAKUMAR, J.

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