



W.P.(MD)No.16881 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2025

CORAM:

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.(MD).No.16881 of 2019

C.Rajendra Raj

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Executive Officer,
Kuzhidurai Municipality,
Kuzhidurai.

3. N.Amutha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Mandamus directing the first and second respondents to enquire the petitioner grievances and to take actions in accordance with law on the basis of nature of the case based on the representation dated 16.07.2019.

For Petitioner : M/s.V.Malaiyendran

For R1 : Mr.D.Sasi Kumar
Additional Government Pleader

For R2 : Mr.P.Aathimoola Pandian

For R3 : Mr.P.Thiyagarajan



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ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to enquire the petitioner grievances and to take actions in accordance with law on the basis of nature of the case based on the representation dated 16.07.2019.

2. It is the case of the petitioner that he had married the 3rd respondent and it was a second marriage for both herself and the third respondent. Through this marriage he had two children. He is working as a Secondary Grade Teacher at Corporation School, Chennai.

3. He would submit that he owns a commercial building at Nallur Village, which falls within the jurisdiction of the 2nd respondent. This building has now been illegally occupied by the 3rd respondent. As regarding the above, civil suit in O.S.Nos.226 of 2012, 208 of 2012 and 136 of 2012 are pending before the Subordinate Court, Kuzhithurai.



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4. While so, the 3rd respondent is attempting to expand the commercial building on the pretext of maintenance work. The petitioner therefore instructed the 2nd respondent not to grant permissions to the 2nd respondent to expand the building. Representation in this regard has been issued and it is this representation dated 16.04.2019 which is the submitted matter of this writ petition.

5. It is brought to the notice of this Court that by virtue of the Common Judgement and Decree in O.S.Nos.226 of 2012, 208 of 2012 and 136 of 2012, the property in question is declared to be the property of the 3rd respondent. Therefore, the title over the property had been declared.

6. In the light of the Common Judgement and Decree passed by the learned Subordinate Judge, Kuzhithurai in O.S.Nos.226 of 2012, 208 of 2012 dated 20.06.2025, filed by the plaintiff/3rd respondent herein, the possession over the suit scheduled property which is the subject property has been declared and the defendant/petitioner herein has been restrained from trespassing into the same and the suit filed by the defendant/petitioner herein in O.S.No.136 of 2012 has been rejected.



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7. Therefore, the petitioner's representation has to be rejected in the light of the above judgement and decree. The 2nd respondent shall therefore, initiate steps to grant approval.

8. It is also brought to the notice that on the basis of the petitioner's representation, the 2nd respondent had issued a notice to which there has been no response on the side of the petitioner.

9. Accordingly, the writ petition stands dismissed. No costs.

10.11.2025

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



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To

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Kanyakumari District,
Nagercoil.
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P.T.ASHA, J.

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