



W.P.(MD) No. 19902 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 19902 of 2025

Johnson Chandrasekar

... Petitioner

Vs

1. The Block Development Officer,
Panchayat Union, Manoor,
Tirunelveli District.

2. The Executive Officer,
Manoor Village Panchayat,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct in respondents 1 and 2 herein to consider the petitioner's online planning approval Application-374575-2024-EO, dated 13.04.2024 within the time stipulated by this Court.

For petitioner : Ms. S.Mamtha

For respondents : Mr.P.Thambidurai
Government Advocate



W.P.(MD) No. 19902 of 2025

WEB COPY

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Government Advocate for the respondents.

2. The petitioner has filed this Writ Petition for a Mandamus to direct in respondents 1 and 2 herein to consider the petitioner's online planning approval Application-374575-2024-EO, dated 13.04.2024 within the stipulated time.

3. The learned counsel for the respondent has produced a copy of the Return Letter, dated 20.06.2024, the content of which reads as under:

“No documents have been produced in the petitioner's name and the court case is pending in respect of the building plot.”

4. The averments in the affidavit indicates that the petitioner has filed a suit before the I Additional District Court, Tirunelveli in O.S.No.15 of 2009 to partition the property in Survey No.620 measuring an extent of 12 cents.



W.P.(MD) No. 19902 of 2025

WEB COPY

5. It appears that the Preliminary Decree has been also passed, whereby the petitioner's brother, namely, Sundararajan Gnanasekar, is entitled to $\frac{1}{2}$ share in the item Nos.1 to 54 of the suit scheduled property and the land in the item No.55 of the suit scheduled property.

6. It appears that in the said suit, I.A.No.2 of 2022 has been filed, wherein an Advocate Commissioner was appointed, who filed a report along with a sketch in I.A.No.4 of 2022. In the said report, the Advocate Commissioner divided the property equally, allotting the eastern portion of the property (6 cents) to the petitioner's brother, namely, Sundararajan Gnanasekar and the western portion (6 cents) to the petitioner herein.

7. It appears that the petitioner filed C.M.A.(MD) No.618 of 2022 to set aside the order of *status quo* passed in I.A.No.4 of 2022 in I.A.No.2 of 2022 in O.S.No.15 of 2009. This Court, by its order, dated 30.01.2024, disposed of C.M.A.(MD) No.618 of 2022 by setting aside I.A.No.4 of 2022, wherein it has been held as under:

"4. As per the recent Commissioner Report dated 23.03.2022, the report states that the appellant is entitled to "A,B1,G,A1" area



W.P.(MD) No. 19902 of 2025

WEB COPY

alone. But the respondent submitted that the appellant is trying to put up construction in the area allotted to the respondent herein. But the appellant herein has given an undertaking that he will not put up any construction in A,B,C,C1,E1 and C,C2,B1,E2 of the property, which is allotted to the respondent herein. The appellant herein has further given an undertaking that in case in the final decree if the entire property is allotted to the plaintiff, he will not claim any equity. The said undertaking is recorded. The partition suit is still pending and there is no final decree passed in the suit. The lower Court shall take into account the undertaking stated supra, before passing final decree.

5. The lower Court is directed to pass final decree in O.S.No.15 of 2009 within a period of two months from the date of receipt of a copy of this order. With this direction, this civil miscellaneous appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.”

8. There are also indications that the petitioner’s brother has also filed W.P.(MD) No.4951 of 2022 for a Mandamus to direct the second respondent herein to take appropriate action against the petitioner to stop unauthorised construction at Natham Survey No.620, 10B Street, Sankaran Kovil Main Road, Manoor Taluk, Tirunelveli District.

9. It is noticed that it is also not clear whether the property, on which the petitioner proposes to put up construction, can be partitioned or not or has to be sold and the amounts have to be appropriated from the sale proceeds.



W.P.(MD) No. 19902 of 2025

WEB COPY

10. Considering the same, this Writ Petition is liable to be dismissed.

However, liberty is given to the petitioner to file a fresh application for approval of plan after final decree is passed in the above suit.

11. This Writ Petition is dismissed, with the above liberty. No costs.

Index : Yes / No

23.07.2025

Internet : Yes / No

apd

To

1. The Block Development Officer,
Panchayat Union, Manoor,
Tirunelveli District.

2. The Executive Officer,
Manoor Village Panchayat,
Tirunelveli District.



WEB COPY



W.P.(MD) No. 19902 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 19902 of 2025

23.07.2025