



W.P.(MD)No.33221 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

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P.Raja

... Petitioner

Vs.

1.The District Collector,
Chairperson of the Monitoring Committee,
Thanjavur, Thanjavur District.

2.The Executive Officer,
Thirunagaeswaram Town Panchayat, Thanjavur District.

3.P.Ravi

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to remove the unauthorized construction made by the third respondent in old Survey No.295/5D (New Survey No.195/1), to an extent of 4,425 sq.ft, situated at Sannapuram Village, Thirunageswaram, Kumbakonam Taluk, Thanjavur District, as per the provisions contemplated under Sections 197 and 206 of The Tamil Nadu District Municipalities Act, 1920, within a stipulated period fixed by this Court.



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For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.S.P.Maharajan (R1 & R2)
Special Government Pleader

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Mr.S.P.Maharajan, learned Special Government Pleader, accepts notice for R1 & R2. Based on the instructions obtained by him to enable a final disposal of the matter, no notice is issued R3 at this juncture, in light of the order proposed to be passed.

2.The petitioner claims to be residing in old Survey No.295/5D (New Survey No.195/1), admeasuring 4,425 sq.ft, Sannapuram Village, Thirunageswaram, Kumbakonam Taluk, Thanjavur District ('property'/property in question'). In paragraphs 2 to 5 of the affidavit filed in support of the petition, he has traced the history by which he claims entitlement to the aforesaid property. While so, he says that R3 had obtained house tax receipts for the property in question in his name, resulting in the initiation of civil litigation in O.S.No.75 of 2023 on the file of the Principal District Munsif Court, Kumbakonam, seeking relief of permanent injunction and O.S.No.8 of 2024 filed by one of the family members of the petitioner as against R3 pending on the file of the Sub



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Judge, Kumbakonam, seeking a relief of partition as against the petitioner as well as other legal heirs. The suits are pending.

3.The limited prayer of the petitioner before us is for disposal of his representation dated 05.04.2023, pending before the second respondent ie., the Executive Officer, Thirunageswaram Town Panchayat, Thanjavur District, not to accord permission to R3 for construction of a house in the subject property.

4.We believe that such an order can be obtained only from the civil Court, particularly when civil litigation is already pending.

5.Moreover, we are of the categoric view that nothing would be gained by issuing a Mandamus directing R2 to consider the representation of the petitioner. The prayer of the petitioner before us is for a direction to remove the unauthorised construction, but this begs the question as to whether at all, the construction is authorised or unauthorised, which constitutes a disputed question of fact.

6.The rival claims in respect of the property in question, are pending revolution before the Civil Court and the subject property is admittedly one of the suit properties in O.S.No.8 of 2024, where the family members of the petitioner and R3 (who are brothers), pending



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before Sub Judge, Kumbakonam. If we were to accept the plea for a Mandamus to direct R2 to dispose the representation, it would only result in adding confusion, which we are disinclined to do.

7.The argument of the petitioner is that no prior approval/sanction has been obtained by R3 in respect of the construction and in this regard, he cites the provisions of Sections 197 and 206 of the Tamil Nadu District Municipalities Act, 1920. However, it is well open to the petitioner to putforth his case before the civil Court and obtain appropriate relief. This would be a more appropriate approach rather than creating another stream of litigation.

8.This Writ Petition is dismissed with liberty. No costs.

[A.S.M.J.] & [C.K.J.]
21.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps



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To

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