



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1857 of 2026

Joseph Retna Thurai

...Petitioner

Vs

1. The Assistant Director of Town Panchayath,
The Assistant Director of Town Panchayath Office,
Nagercoil Region,
District Collector Office Premises,
Nagercoil,
Kanyakumari District.

2. The Executive Officer,
Palappallam Town Panchayath,
Palappalam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.No.125/2022/A1, dated 19.11.2025 pertaining to rejecting the building plan permission passed by the 2nd Respondent and to quash the same as illegal and consequently directing the 2nd Respondent herein to issue building plan approval to petitioner land in Survey No.371/12B1A, measuring 12-3/8 cents, situated at Keelmidalam, Palappallam Town Panchayath, Kanyakumari District.



For Petitioner : M/s.M.Maran

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader
for R1
M/s.S.Jeya Priya
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the order passed by the second respondent wherein the request of the petitioner for granting building plan approval has been rejected.

2. A perusal of the impugned order of the second respondent dated 19.11.2025 reveals that the petitioner's request has been primarily rejected on the following grounds:-

a) The property belongs to the Panchayat and therefore, the petitioner does not have any right to put up any construction; and

b) The petitioner is having only a joint patta along with others and therefore, the petitioner is not entitled to any building plan approval.

3. As far as the first objection raised by the second respondent is concerned, the second respondent had filed O.S.No.192 of 1999, before the Additional District Munsif Court, Padmanabham, for declaration of title over



the property in dispute and the suit came to be dismissed on 16.10.2001. The Town Panchayat has preferred an appeal before the Sub Court, Padmanabhapuram, in A.S.No.21 of 2002, which was dismissed on 08.01.2003. The Town Panchayat has preferred Second Appeal No.1057 of 2003, which was dismissed by this Court on 03.03.2023. The petitioner is the 9th respondent in the second Appeal. In view of the said fact, the Town Panchayat cannot make a claim of title over the property.

4. However, the learned Standing Counsel appearing for the Town Panchayat submitted that they have preferred a review on 02.02.2026 in Rev.SR.No.9221 of 2026 and the same is pending.

5. According to the learned Counsel appearing for the writ petitioner, none of the Co-pattadhars have raised any objection with regard to the building plan approval to be granted in favour of the petitioner.

6. In view of the above said facts, this Court is inclined to pass the following orders:-

a) The order impugned in the writ petition is hereby set aside and the second respondent is directed to grant building plan approval to the writ



petitioner if it is otherwise in order, subject to the result of the review application; and

b) In case if any other Co-pattadhar in patta No.9895 had raised any objection, the same shall be considered by the Town Panchayat;

6. With the above said observations, this writ petition stands allowed. No costs.

18.02.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

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