



W.P(MD)No.3035 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.3035 of 2026
and
W.M.P(MD)No.2505 of 2026**

V.Subash Jesu Raja Thurai

... Petitioner

vs.

1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.

2.The Assistant Director (Panchayats),
Kanyakumari District,
Nagercoil.

3.The Block Development Officer,
Block Development Office,
Thoivalai Panchayat Union,
Boothapandi.

4.The Tahsildar,
Thoivalai Taluk, Kanyakumari District.



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5.The Village Administrative Officer,
Gnalam Village,
Thovalai Taluk, Kanyakumari District.

6.The Panchayat Secretary,
Gnalam Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.

7.Rathikumari

8.Subbulakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1 to 6 respondents to demolish the unauthorized construction put up by the 7th respondent pertaining to Survey No.634/12, Plot No.76 in Door No.2/6A/76 in Gnalam Village, Thovalai Taluk, Kanyakumari District and take appropriate steps to cancel the assignment order stands in favour of the 8th respondent by considering the petitioner's representations dated 25.11.2023, 22.12.2025 and 23.12.2025.

For Petitioner : Mr.S.Vasik Ali

For R-1 to R-5 : Mr.A.Kannan
Additional Government Pleader

For R – 6 : No appearance

For R-7 & R-8 : Mr.K.Jawahar Muthu Isreal



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ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present Writ Petition seeking a direction to the respondents 1 to 6 to demolish the unauthorized construction put up by the seventh respondent in respect of Survey No.634/12, Plot No.76, bearing Door No.2/6A/76, situated at Gnam Village, Thovalai Taluk, Kanyakumari District, and to take appropriate steps to cancel the assignment order standing in favour of the eighth respondent, by considering the petitioner's representations dated 25.11.2023, 22.12.2025 and 23.12.2025.

2.It is the grievance of the petitioner that his mother was one among 88 beneficiaries to whom free house site pattas were granted by the fourth respondent in proceedings dated 23.07.2023, and she was allotted Plot No.83 in Survey No.634/12. The patta was issued under a Government scheme intended for economically weaker sections, subject to certain conditions, including a prohibition on alienation for a period of ten years.



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3.The petitioner contends that, in respect of Plot No.76 in the same survey number, the original allottee, namely Subbulakshmi, has violated the conditions of the patta by selling the property to the seventh respondent, who, in turn, has put up additional construction without obtaining the necessary permission. According to the petitioner, such alienation and construction are in clear violation of the terms of assignment and also pose safety risks, as the structures are not designed to support additional floors.

4.Despite submitting representations dated 25.11.2023, 22.12.2025 and 23.12.2025 to the official respondents, no action has been taken. Hence, the present Writ Petition.

5.The learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that, as per the report of the fourth respondent/Tahsildar dated 18.03.2026, Plot No.76 had been allotted to the eighth respondent and, due to financial constraints, the eighth



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respondent had leased out the property to the seventh respondent. It was further submitted that the seventh respondent has only carried out renovations and that no violation warranting interference by this Court is made out.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.On perusal of the report filed by the fourth respondent/Tahsildar, it is seen that although Plot No.76 had been allotted to the eighth respondent, on account of financial constraints, the eighth respondent had leased out the said property to the seventh respondent. The seventh respondent, having obtained the property by way of lease, has carried out certain renovations. It is further seen that the petitioner had earlier requested the eighth respondent to sell the property to him; however, the said attempt did not materialize. Thereafter, the petitioner has filed the present Writ Petition.



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8.Considering the nature of the allegations, we are of the view that no element of public interest is involved and that the dispute appears to be purely private in nature. Even assuming that there are any deviations or unauthorized constructions, it is for the competent local body to take action in accordance with law. Therefore, we are not inclined to issue any direction in this regard.

9.Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
01.04.2026

NCC : Yes / No
Index : Yes / No
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N.SATHISH KUMAR, J.
and
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ORDER MADE IN
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