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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.7860 of 2026

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... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District
- 2.The Assistant Director of Rural Development (Panchayat),
Collectorate Complex,
Kokkirakulam,
Tirunelveli
- 3.The Block Development Officer,
Radhapuram Panchayat Union,
Radhapuram Block Development Office,
Tirunelveli District.
- 4.The Panchayat President,
Uthayathoor Panchayat,
Radhapuram Panchayat Union,
Tirunelveli District.
- 5.The Panchayat Secretary,
Uthayathoor Panchayat,
Radhapuram Panchayat Union,
Tirunelveli District.



6. Joseph Antony Ginish
7. Dinesh Kumar

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 5 to restrain the sixth and seventh respondent's illegal construction process made in properties comprising in S.F.No.798A/1E2E1 of Uthayathoor Village Panchayat, Radhapuram Panchayat Union, Tirunelveli District and take appropriate action as against them in accordance with law.

For Petitioner : Mr.M.Laxmi Mahendraa
For Respondents : Mr.P.T.Thiraviam (R1 to R3)
Government Advocate

ORDER

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

This writ petition has been filed seeking a direction to the official respondents herein to take action as against the private respondents for the unauthorized construction put up by them in the subject property.

2.Mr.P.T.Thiraviyam, learned Government Advocate accepts notice for the first to third respondents. In view of the order proposed to



be passed in this writ petition, notice to the respondents 5 to 7 is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.Perusal of the affidavit filed in support of this writ petition shows that there is a civil dispute between the petitioner and the private respondents herein with regard to the subject properties. In this regard, the petitioner has already filed a civil suit in O.S.No.174 of 2025 on the file of the learned Subordinate Court, Valliyoor as against the private respondents for declaration and permanent injunction and also to cancel the sale deed said to have been executed by the sixth and seventh respondents with regard to the subject properties and the said suit is pending. At this stage, the petitioner seeks to take action as against the private respondents for the alleged unauthorized construction.

5.The learned Government Advocate appearing on behalf of the official respondents, on instructions, submitted that the seventh respondent has applied for building plan permission through online mode



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and the said application has been considered and returned alleging some defects.

6.Be that as it may, since the petitioner has already filed a civil suit with regard to the dispute between the parties and the same is pending, this Court is not inclined to go into the detailed merits of the dispute involved in this writ petition. It is for the petitioner to work out his remedy in the pending suit.

7.Accordingly, this writ petition is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
24.03.2026

Index :Yes/No

Internet :Yes

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To

1.The District Collector,
Tirunelveli District

2.The Assistant Director of Rural Development (Panchayat),
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Kokkirakulam,
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3. The Block Development Officer,
Radhapuram Panchayat Union,
Radhapuram Block Development Office,
Tirunelveli District.



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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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