



W.P(MD)No.13273 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2026

CORAM:

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

**W.P(MD)No.13273 of 2025
and
W.M.P(MD)No.9505 & 9506 of 2025**

M.Sakthi Maheswari

... Petitioner

vs.

- 1.The Commissioner,
Tuticorin City Municipal Corporation
113, Pallaiyankotai Road,
Tuticorin-628 002.
- 2.The Member Secretary,
Tuticorin Local Planning Authority,
51, West Car Street, Tuticorin-628 001.
- 3.M.Murali @ Sivasakthi Arunagiri
- 4.M.Senthilkumar
- 5.M.Mahesh @ Madhavan
- 6.M.Nagajothi
- 7.Nallathambi @ Thangan
- 8.D.Muthuraman



W.P(MD)No.13273 of 2025

WEB COPY

9.The Block Development Officer (Regular)
Thoothukudi Panchayat Union Office,
Pudukkottai,
Thoothukudi District.

10.The President,
Mappillai Urani Village Panchayat Office,
Thoothukudi-2.

(R9 and R10 are impleaded vide Court
order dated 10.07.2025)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 3 to 8 from entering into the property and by proceeding with the illegal construction without due plan approval from the 1st and 2nd respondents and consequently direct the 1st and 2nd respondents to initiate appropriate legal action to remove the unauthorized constructions put up by the respondents 3 to 8 in survey No.85/2A, Mappillaiurani Village, Keelur, Tuticorin District, within the Registration District of Tuticorin and Sub-Registration District of Tuticorin, Keelur.

For Petitioner	: Mr.K.Govindaraj for Mr.S.Kadarkarai
For R1	: Mr.N.Anandhakumar
For R2	: Mr.J.Ashok Additional Government Pleader



W.P(MD)No.13273 of 2025

WEB COPY

ORDER

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

The petitioner has filed the present Writ Petition seeking to forbear respondents 3 to 8 from entering upon the property and from proceeding with any illegal construction without obtaining due plan approval from respondents 1 and 2. The petitioner further seeks a direction to respondents 1 and 2 to initiate appropriate legal action for the removal of the unauthorized constructions put up by respondents 3 to 8 in Survey No. 85/2A, situated at Mappillaiurani Village, Keelur, Tuticorin District, within the Registration District and Sub-Registration District of Tuticorin (Keelur).

2.We have heard the submissions made on either side and perused the materials available on record.

3. The main grievance of the petitioner is that the property in question originally belonged to one M. Ramachandran. The petitioner's father



W.P(MD)No.13273 of 2025

WEB COPY

purchased an extent of 68.00 cents in Survey No. 85/2A, situated at Mappilaiurani Village, Tuticorin, through the power agent of the said Ramachandran, namely C. Alaghuvel, by way of a registered sale deed bearing Document No. 598 of 2004. Subsequently, the petitioner's father executed a General Power of Attorney in favour of one Late Sumathi, vide Document No. 550 of 2010 dated 10.07.2010. The said power agent executed a sale deed on 26.07.2010 in favour of her eldest daughter, M. Malliga, conveying an extent of 4 cents. Thereafter, on 26.10.2010, the petitioner's father informed the power agent that the said power of attorney had been cancelled, by way of a telegram and legal notice, both of which were duly received by the said power agent, Late M. Sumathi. He also issued a public notice on 15.12.2010. Despite the cancellation, the power agent executed a sale deed bearing Document No. 1701 of 2011 dated 18.05.2011 in favour of respondents 4, 7, and 8, and another sale deed bearing Document No. 1768 of 2011 dated 23.05.2011 in favour of respondents 5 and 6. Consequently, the petitioner's father lodged a police complaint, which was registered as Crime No. 27 of 2011 against respondents 3 to 8. In order to evade criminal liability, respondents 4, 7, and 8 filed O.S. No. 374 of 2011 on the file of the Principal District Munsif Court, Tuticorin, and respondents 5 and 6 filed O.S.



W.P(MD)No.13273 of 2025

WEB COPY

No. 390 of 2011 before the same Court. In those suits, the petitioner's father filed I.A. No. 1664 of 2011 in O.S. No. 374 of 2011 and I.A. No. 1561 of 2011 in O.S. No. 390 of 2011, seeking rejection of the plaints under Order VII Rule 11 of the Code of Civil Procedure. However, the trial Court dismissed the said applications on 06.09.2013. Meanwhile, the petitioner's father lodged a complaint before the District Registrar (Administration), Tuticorin, under Sections 82 and 83 of the Registration Act, seeking annulment of the aforesaid sale deeds. Upon conducting a detailed enquiry, the District Registrar annulled the registration of the said sale deeds.

4. Aggrieved by the said order, respondents 4 and 7 filed O.S. No. 264 of 2013 before the Principal District Munsif Court, Tuticorin, seeking a declaration that the order of the District Registrar was null and void and for a consequential injunction restraining the petitioner and her father from encumbering the suit property. Challenging the said suit, the petitioner's father filed C.R.P. (PD) (MD) No. 1290 of 2013 to strike off the plaint. Upon dismissal of the same, he preferred C.R.P. (PD) (MD) Nos. 1995 and 1996 of 2013 before this Hon'ble Court. By a common order dated 01.06.2016, this Hon'ble Court



W.P(MD)No.13273 of 2025

WEB COPY

allowed all the three Civil Revision Petitions. Therefore, it is the contention of the petitioner that once the suits filed by the respondents have been rejected, the private parties have no right to claim or deal with the property.

5. The Court is of the view that the petitioner is attempting to achieve indirectly, through the present writ petition, what could not be achieved before the competent civil court. Even assuming that the suits filed by the private respondents have been dismissed, recovery of possession does not automatically follow. It is incumbent upon the petitioner to institute appropriate civil proceedings for recovery of possession against the private respondents. Mere dismissal of the suits does not confer any enforceable right to dispossess them without due process of law.

6. In such circumstances, this Court is not inclined to adjudicate disputed questions of title and possession in a writ petition under Article 226 of the Constitution of India, as these are matters squarely falling within the domain of the civil court. However, insofar as the allegation regarding unauthorized construction without planning permission is concerned, the competent authorities



W.P(MD)No.13273 of 2025

WEB COPY

(Respondents 1 and 2) are directed to examine the same and take action in accordance with law.

7. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
17.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
am



W.P(MD)No.13273 of 2025

WEB COPY

To

- 1.The Commissioner,
Tuticorin City Municipal Corporation
113, Pallaiyankotai Road,
Tuticorin-628 002.
- 2.The Member Secretary,
Tuticorin Local Planning Authority,
51, West Car Street, Tuticorin-628 001.



WEB COPY



W.P(MD)No.13273 of 2025

N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

am

ORDER MADE IN
W.P(MD)No.13273 of 2025

DATED : 17.04.2026