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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2026**

CORAM:

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

WA.(MD)Nos.82 & 83 of 2026

S.Kumaresan

... Appellant in both W.As.

Vs.

1.G.Sathya Chitrai Kumar

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai,
Tirunelveli District

... Respondents in both W.As.

COMMON PRAYER:- Writ Appeals filed under Section 15 of the Letters Patent Appeal as against the order passed in WP.(MD)Nos.9048 of 2022 & 10545 of 2021 dated 07.11.2025

For Appellant : Mr.S.Meenakshi Sundaram,
Senior Counsel,
for Mr.S.Palanivelayutham

For R2 & R3 : Mr.A.Kannan,
Additional Government Pleader

For R1 : Mr.K.P.Narayanakumar



JUDGMENT

WEB COPY (Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

These writ appeals have been filed challenging the order passed in WP.(MD)Nos.9048 of 2022 & 10545 of 2021 dated 07.11.2025, wherein the learned Single Judge held that since the matter is sub judice in A.S.No.65 of 2019 on the file of III Additional District Court, Tirunelveli, the impugned order cannot be given effect to till such time as finality arrived in A.S.No.65 of 2019.

2.The writ appellant said to have purchased the property to an extent of 23.88 cents from the mother of the first respondent herein. According to him, on the basis of the said purchase in the year 1994, he was enjoying, however, since the first respondent was given permission to occupy the land, he has put up a construction illegally without permission. Despite the order passed by the authorities to stop the construction, the construction has been put up. Hence, the authorities cancelled the permission originally issued on 19.11.2020, vide order dated 24.05.2021 and 19.04.2022, followed by a notice for removal of construction. Challenging the same, the above said writ petitions have been filed.



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3. We have considered the submissions made on either side and perused the records carefully.

4. A suit has been filed by the appellant for declaration, permanent injunction and recovery of possession. The trial Court decreed the suit for declaration, however, dismissed the suit in respect of injunction and granted recovery of possession, which has been appealed. The dispute appears to be with regard to the title of the property. The appellant said to have purchased the property from the mother of the first respondent herein, whereas, the said sale was denied by others. Be that as it may, since the matter is pending before the appellate Court, we are not inclined to go into the merits of the matter. Fact remains that the approval was granted as early as on 19.11.2020 and later, on the basis of the complaint given by the appellant, a cancellation order was passed in the year 2021. Thereafter, a notice has also been issued on 19.04.2022. By that time, the building appears to have been constructed.

5. Since the issue relates to a rival claim over the property, we are of the view that the authorities remained inactive for two years and



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woke up only thereafter to cancel the approval. At the instance of one of the rival parties, the authorities allowed the construction to be carried out and, subsequently, issued a different order, which indicates that the said orders lack legal sanctity. Such an attitude cannot be encouraged. The impugned order cancelling the licence also reveals that it was passed on the basis of a legal opinion purportedly obtained from the Government Pleader. Be that as it may, since the matter is *sub judice*, the rights of the appellant shall be subject to the outcome of the suit. In the event the appellant succeeds in the suit, the respondent herein cannot claim any right over the building constructed in the area sold to the appellant, including any improvements made by him at his own risk. If the building has been constructed unauthorizedly, it is for the authorities to remove such unauthorized construction, in accordance with law.

6. With the above observations and directions, the writ appeals are disposed of. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
12.03.2026

Index : Yes/No
Internet : Yes
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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai,
Tirunelveli District



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

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WA.(MD)No.82 of 2026

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