

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.19656 of 2015 and M.P.No.1/2015

R. Sabapathy

Petitioner

vs.

1 State of Tamilnadu,
rep. By the Secretary,
Department of Municipal
Administration and Water Supply,
Fort St. George, Chennai 600 009.

2 The Commissioner
Pallavaram Municipality,
Pallavaram, Chennai -44,
Kancheepuram District.

3 R. Ramesh

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 2nd respondent to take immediate action to demolish the illegal construction put up by the 3rd respondent at Door kNo.22/8 Elumalai Street, Radha Nagar, Jamin Pallavaram, Chennai-600 044 pursuant to the order in UAC No.9/2015/F2 issued under Section 199/209 216(1)(2) 313 and 317 of the Tamil nadu District Municipalities Act by the 2nd respondent.

For petitioner: Ms. S. Malathi for
Mr.A.J.Raghavakumar

For respondents: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mr. P. Srinivas - R2

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. P. Srinivas, learned

Counsel, accepts notice for the second respondent.

2 By the instant writ petition, the petitioner seeks a direction to the official respondents not to allow the third respondent to have unauthorised construction in the property in question, which is the subject matter of pending civil suit in O.S. No.194 of 2015, on the file of the District Munsif Court, Alandur.

3 In view of the pendency of the aforesaid civil suit in respect of the same property, we are not inclined to entertain this writ petition and pass any order, at this stage. However, liberty is reserved to the petitioner to take recourse to the Civil Court for interim relief, if so advised, under provisions of law.

4. The writ petition stands disposed of with the above observation. Consequently, M.P.No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

ra
To

1 The Secretary,
State of Tamilnadu,
Department of Municipal
Administration and Water Supply,
Fort St. George, Chennai 600 009.

2 The Commissioner
Pallavaram Municipality,
Pallavaram, Chennai -44,
Kancheepuram District.

1 cc to M/s.AJ.Raghavakumar , Advocate Sr.No.33480/15
1 cc to Government Pleader.Sr.No.39006/15

W.P. No.19656 of 2015

ca (co)
pmk.21.7.2015