

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.07.2015

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.19908 of 2015

and

M.P.No.1 of 2015

D.Saroja Ammal

... Petitioner

Versus

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Block Development Officer,
Kattankolathur,
Chingleput Taluk,
Kanchipuram District.
3. The Tahsildar,
Chingleput Taluk,
Chingleput.
4. The Director of Town and Country
Planning, G.S.T. Road,
Chingleput.
5. The President,
Village Panchayat,
Rathinamangalam Panchayat Board,
Rathinamangalam, Chennai-48.
6. Rajarajeswari Infrastructure Limited,
18/23, 2nd Cross Street,
C.I.T. Nagar East, Nandanam,
Chennai-35.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from sanctioning Layout in respect of lands in S.No.159 (159/1) in Rathinamangalam Village, Chingleput Taluk, Kanchipuram District, in favour of the 6th respondent or any persons through or under him without conducting an enquiry with regard to the ownership as per the representation of the petitioner dated 29.06.2015.

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mr.R.Lakshminarayanan,
1, 3 and 4 Additional Government Pleader

For respondents : Mr.K.V.Dhanapalan
2 and 5

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 from sanctioning Layout in respect of lands in S.No.159 (159/1) in Rathinamangalam Village, Chingleput Taluk, Kanchipuram District, in favour of the 6th respondent or any persons through or under him without conducting an enquiry with regard to the ownership as per the representation of the petitioner dated 29.06.2015.

2. Heard Mr.K.R.Krishnan, learned Counsel appearing for the petitioner, Mr.R.Lakshminarayanan, learned Additional Government Pleader appearing for the respondents 1, 3 and 4 and Mr.K.V.Dhanapalan, learned Counsel appearing for the respondents 2 and 5. I have also carefully perused the materials available on record.

3. On a perusal of the records, it appears that in respect of the property-in-question against which a relief was sought for, already two suits, viz., O.S.No.138 of 2004 for partition of the properties and then O.S.No.677 of 2014 for setting aside the Will have been filed by the petitioner, namely, one for partition and another challenging the validity of the Will in respect of the said property and they are pending on the file of the learned Additional District Munsif, Chingleput. When that be so, the prayer sought for by the petitioner with regard to the said property cannot be granted by this Court. The same can only be considered by the civil court at the time of disposal of the cases pending before him.

4. At this stage, the learned Counsel for the petitioner seeks permission to file an appropriate petition before the civil court.

5. In view of all the above, this Writ Petition stands dismissed with liberty to the petitioner to file an appropriate petition before the civil court in connection with the prayer made in the Writ Petition and on receipt of any such application being filed by the petitioner, the learned Additional District Munsif, Chingleput is directed to dispose of the same on merits and in accordance with

law. However, it is made clear that any observation made in this Order, will not have any bearing on the merits of the pending suits. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Block Development Officer,
Kattankolathur,
Chingleput Taluk,
Kanchipuram District.
3. The Tahsildar,
Chingleput Taluk,
Chingleput.
4. The Director of Town and Country
Planning, G.S.T. Road,
Chingleput.
5. The President,
Village Panchayat,
Rathinamangalam Panchayat Board,
Rathinamangalam, Chennai-48.

+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.34564

+1cc to the Government Pleader, S.R.No.35733

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and
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SR(CO)
CA(04/08/2015)