

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/7/2015

C O R A M

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

W.P. No.21658 of 2015
and
M.P. No.1 of 2015

K. Namachivayam ...Petitioner

Vs

1. The Executive Officer
China Salem Town Panchayat
Chinna Salem Taluk
Villupuram District.
2. P. Manjunathan ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent not to take immediate action with regard to unauthorized illegal offending construction made by the second respondent forthwith in R.S.No.511/48, Railway Station Road East Side, Chinnasalem Township, Villupuram District.

For petitioner ... Mr.V.Manohar

For respondents ... Mr.R.Vijayakumar,
Additional Government Pleader
for R.1

O R D E R

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

Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the first respondent. With the consent of the learned counsel appearing for the parties, the matter is taken up for final disposal at the admission stage itself.

2. In respect of the property in question, the petitioner has already filed a Civil Suit in O.S.No.189 of 2015 on the file of the learned Principal District Munsif, Kallakurichi, seeking for the following reliefs:-

"1. To stop the construction of the wall which is being constructed on the eastern side of the first item of the suit schedule property by the first defendant without leaving a gap of 1 ½ feet as per law and without getting the building permission from the second defendant by grant of permanent injunction.

2. To grant a mandatory injunction directing the second defendant to remove the wall constructed by the first defendant without building permission on the eastern side of the first item of the suit schedule property."

3. Pending suit, the petitioner has come up with this petition, seeking for an indulgence of this Court in exercise of extraordinary writ jurisdiction under Article 226 of the Constitution of India.

4. When the dispute is pending consideration in respect of the property in question before the Civil Court, there is no reason to entertain the parallel proceedings by way of writ jurisdiction and as such, we are not inclined to interfere at this stage.

5. The writ petition is accordingly dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

The Executive Officer
China Salem Town Panchayat
Chinna Salem Taluk
Villupuram District.

+1cc to Mr.V. Manohar, Advocate, S.R.No.36703
+1cc to Mr.R. Vijayakumar, Advocate, S.R.No.37358

GP(CO)
EU(29/07/2015)

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