

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

CORAM :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.26030 of 2015

T.S. Rajamany

... Petitioner

Vs.

1. The Assistant Commissioner
West Zone
Coimbatore Municipal Corporation
Coimbatore 641 002

2. S. Pandi Meenal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to remove the unauthorised construction made by the second respondent in S.F. No.402/1 and 402/2 in Kavundampalayam Village, Coimbatore North Taluk, Vadavalli, Coimbatore District.

For petitioner : Mr. L. Mouli

ORDER

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

The petitioner has come up with this writ petition seeking a direction to the first respondent to remove the alleged unauthorised construction made by the second respondent in S.F. No.402/1 and 402/2 in Kavundampalayam Village, Coimbatore North Taluk, Vadavalli, Coimbatore District.

2. On a perusal of the pleadings and documents appended thereto, we notice that the petitioner has filed a civil suit in O.S.No.1551 of 2015 on the file of the District Munsif Court,

Coimbatore, seeking the relief of permanent injunction restraining the second respondent herein from proceeding with the unauthorised construction without obtaining necessary approval from the Commissioner, Municipal Corporation and interfering with his peaceful possession and enjoyment of the residential house property in any manner. It transpires that the said suit is pending consideration before the said Court.

3. In such view of the matter, we are not inclined to entertain this writ petition for the same relief, which may be considered by the Civil Court, in accordance with law and on its own merits.

4. As a sequel, this writ petition stands dismissed as not maintainable. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

The Assistant Commissioner
West Zone
Coimbatore Municipal Corporation
Coimbatore 641 002

+lcc to Mr.L.Mouli, Advocate, S.R.No.44786
+lcc to Mr.R.SivaKumar, Advocate, S.R.No.45209

सत्यमेव जयते

W.P. No.26030 of 2015

GGK(CO)
CA(30/09/2015)

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