

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.35721 of 2015
and
M.P.No. 1 of 2015

1.S.Nandakumar
2.R.Chakkaravarthy
3.R.Deenadayalan
4.R.Sampath Kumar

...Petitioners

Vs

1. The District Collector,
Office of the Collectorate,
Thiruvallore District,
Thiruvallore.
2. The Tashildar,
Taluk Office, Poonamallee Taluk,
Poonamallee, Chennai-600 056.
3. P.S.Thangaraj
President, Melmanambedu Village Panchayat,
Melmanambedu, Chennai-600 124.

4. Mr.Sivasankaran

...Respondents

PRAYER: PETITION under Article 226 of The Constitution of India
praying for the issuance of Writ of Mandamus directing the
first respondent herein to consider the petitioners'
representation dated 12.08.2014.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.Suriyanarayanan,
Government Advocate for R1 to R3

O R D E R

This writ petition has been filed by the petitioners seeking direction to the seventh respondent to consider the representation dated 12.08.2014 made by them. The said representation has been filed by the petitioners on the ground that no permission shall be given to put up the road by the respondents 2 to 4, in view of the earlier order passed in A.S.No.40 of 1983 and pendency of the suit in O.S.No.394 of 2014 on the file of District Munsif, Poonamallee.

2. This Court is not inclined to entertain this writ petition for the sole reason that the petitioners, having filed a suit for the very same relief along with an application for interim injunction against the defendants therein, cannot come forward to file the present writ petition. In the said suit, respondents 3 and 4 herein are the parties. The averments in the present writ petition are also against the said respondents. Therefore, the petitioners cannot have a parallel remedy especially when they have chosen to have recourse to the common law remedy. Thus, the writ petition stands disposed of by directing the learned District Munsif, Poonamallee, to dispose of I.A.No.961 of 2014 in O.S.No.394 of 2014 within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

raa

To

1. The District Munsif,
Poonamallee.

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2. The District Collector,
Office of the Collectorate,
Thiruvallore District,
Thiruvallore.
3. The President,
Melmanambedu Village Panchayat,
Melmanambedu, Chennai-600 124.
4. The Tashildar,
Taluk Office, Poonamallee Taluk,
Poonamallee, Chennai-600 056.

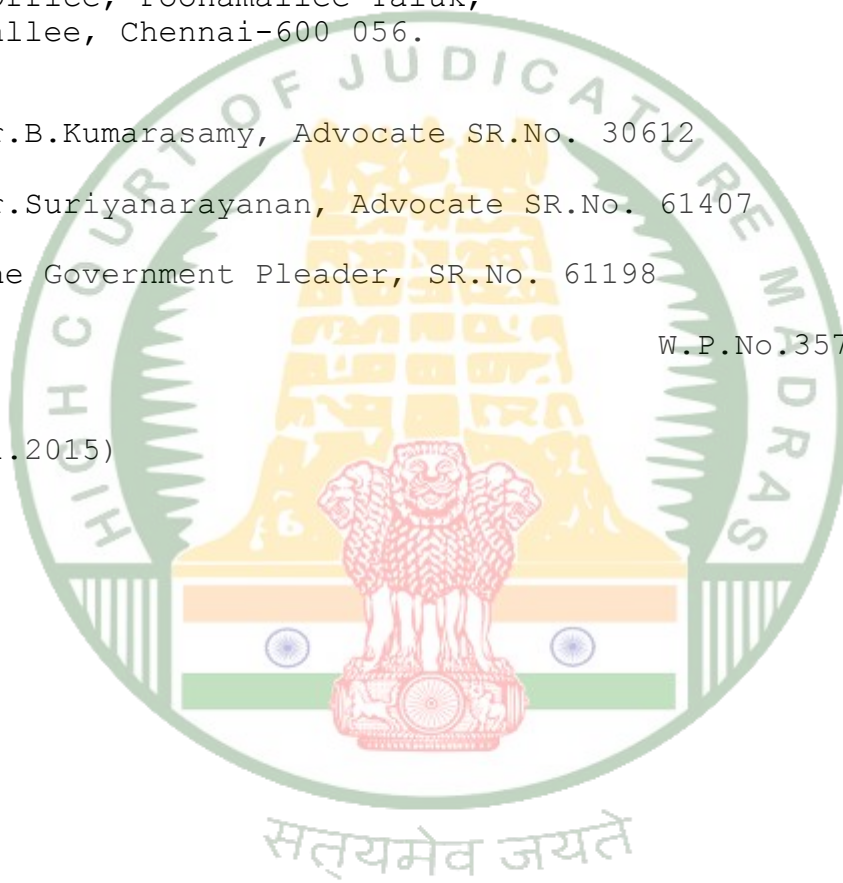
1 CC to Mr.B.Kumarasamy, Advocate SR.No. 30612

1 CC to Mr.Suriyanarayanan, Advocate SR.No. 61407

1 CC to the Government Pleader, SR.No. 61198

W.P.No.35721 of 2015

GR (CO)
PSI (24.11.2015)



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