

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40426 of 2015 &
M.P.No.1 of 2015

Great Lakes Multi-State

[PETITIONER]

Coop. Housing Society Ltd.
rep. by its Chief Executive Officer
S.Sakthivel, Sri Villiputhur.

Vs

1 The District Collector
Kanchipuram District, Kanchipuram.

2 The Commissioner
Alandur Municipality,
Alandur, Kanchipuram District.

3 S.P.Velayutham
S/o.Sabapathi No.5 Sabari Illam
Madipakkam Chennai-91

4 V.Muthuraman
Advocate Bar Association, Alandur
Kanchipuram District

5 M.Jeeva
Advocate Bar Association Alandur
Kanchipuram District

6 T.K.S.Bharathi Anantharaj
Advocate Bar Association. Alandur
Kanchipuram District

7 L.Kumuthavalli
Advocate Bar Association, Alandur
Kanchipuram District

8 K.Peter
Advocate Bar Association, Alandur
Kanchipuram District.

[Respondents 4 to 8 are deleted from the array of respondents, as they are neither proper nor necessary parties, as per the order passed by this Court in WP.40426/15 dt 22.12.2015

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the District Collector , Kanchipuram District, Kanchipuram, the First respondent herein to remove and confiscate the said Board/Flex erected by the respondents 3 to 8 in S.No.16/18 (T.S.No.6/3) of Alandur Village in Kanchipuram District without notice to anybody as provided under section 285-E of the Tamilnadu District Municipalities Act 1920.

For Petitioner: Mr.D.R.Sivakumar

For Respondent:Mr.S.Diwakar - R1
Addl.Govt. Pleader

Mr.P.V.Selvakumar - R2

O R D E R

Heard Mr.D.R.Sivakumar, learned Counsel appearing for the petitioner, Mr.S.Diwakar, learned Additional Government Pleader who accepts notice for the first respondent and Mr.P.V.Selvakumar, learned counsel accepts notice for the second respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition, seeking for issuance of a writ of mandamus to direct the District Collector, Kanchipuram District, to remove and confiscate the Board/Flex erected by the respondents 3 to 8 in S.No.16/18 (T.S.No.6/3) of Alandur Village in Kanchipuram District, without notice to anybody as provided under section 285-E of the Tamilnadu District Municipalities Act 1920.

3.At the very outset, it has to be pointed out that the Writ Petition is not maintainable, as it is purely a civil dispute between the petitioner and the third respondent and the persons whose names find place in the Board, which is said to have been

erected in the property in question, informing the public that the third respondent is the absolute owner of the property mentioned in the said 'Notice Board'. Therefore, the respondents 4 to 8 are neither proper nor necessary parties in this Writ Petition.

4. On the merits of the matter, the Display Board, which has been erected in the property claims that the third respondent is the absolute owner of the land in question and that the Revenue Records are standing in his name and there is some reference to the orders passed by this Court and the Hon'ble Supreme Court. Therefore, if the petitioner contends that the third respondent has no right over the property, his remedy lies elsewhere and not by way of this Writ Petition. Thus, the dispute being purely civil in nature, the direction as sought for by the petitioner cannot be granted.

Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa
To

- 1 The District Collector
Kanchipuram District, Kanchipuram.
- 2 The Commissioner
Alandur Municipality,
Alandur, Kanchipuram District.

+1cc to Mr.P.V. Selvakumar, Advocate, S.R.No.69675
+1cc to Mr.S.D. Ramalingam, Advocate, S.R.No.69129
+1cc to the Government Pleader, S.R.No.69664

KJI(CO)
EU/12/01/2016)

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