

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4217/2015

R.Subashini

...Petitioner

Versus

1. The Commissioner
Corporation of Salem
Salem.
2. The Commissioner
Local Planning Committee [Planning Permission]
Hasthampatti, Salem 636007.
3. The Commissioner of Police
Salem.
4. The Inspector of Police
Hasthampatti Police Station
Salem.
5. R.Lakshmi
6. S.Saravanan

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to consider and pass appropriate orders in the representation dated 14.02.2015 in relating to prevent the demolition of building situated in TS.No.19, Block No.19, in Ward J at Cherry Road, Salem, except due process of law within a stipulated period to be fixed by this Court and further direct the respondents 3 and 4 to give appropriate protection in relating to life threat made by the respondents 5 and 6.

For Petitioner : Mr.R.Ezhilarasan

For RR 2 to 4 : Mr.V.Jayaprakash Narayanan, Spl.GP

For R1 : M/s.K.Bhuvaneswari

ORDER

Heard Mr.R.Ezhilarasan, learned counsel for the petitioner ; M/s.K.Bhuvaneswari, learned Standing Counsel who accepts notice for the 1st respondent ; and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice for the respondents 2 to 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, the merits of the allegations made by the petitioner as against the respondents 5 and 6 are not gone into and it is left open to the respondents 1 and 2 to consider the same.

3.The petitioner seeks for a direction to forbear the respondents 1 and 2 from demolishing the property by considering her representation dated 14.02.2015.

4.Admittedly, there is a dispute between the petitioner and the respondents 5 and 6 and the petitioner has filed a civil suit and is said to have obtained an order of injunction in IA.No.187/2014 in OS.No.105/2014 on the file of the Principal District Munsif, Salem on 18.06.2014. Now, the petitioner would state that the official respondents should interfere in the matter. Since the dispute is purely a civil dispute between the petitioner and the respondents 5 and 6, no direction as sought for by the petitioner can be granted. However, it is open to the petitioner to pursue her remedies before the civil court.

5.The writ petition is dismissed with the above observation. No costs.

Sd/-

Assistant Registrar(J)

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Sub Assistant Registrar

AP

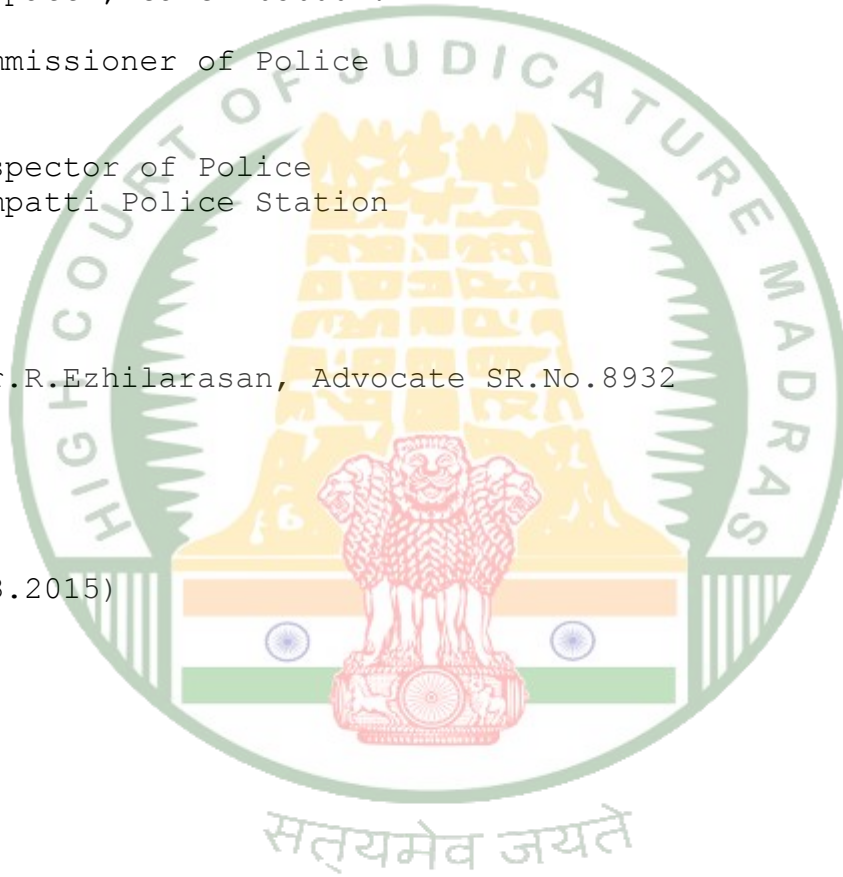
To

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Salem.
4. The Inspector of Police
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Salem.

1 CC to Mr.R.Ezhilarasan, Advocate SR.No.8932

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KM (CO)
PSI (02.03.2015)



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