

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7923 of 2015 & MP.No.1/2015

A.Rajakumaran

..Petitioner

Versus

1.The District Backward Class Welfare
Officer, the District Collectorate office,
Tirupur and District.

2.The District Treasury Officer
District Treasury,
Tiruppur District.

3.The Sub Treasury Officer
Sub Trasury, Udumalpet,
Tiruppur District.

4.The Branch Manager
State Bank of India,
Jallipetti Branch,
Kurichikottai, Udumalpet.

5.R.Vivekanandan

6.The Secretary,
Udumalai Nadar Uravinmurayar Sangam,
Sadasiyam Street, Near Police Station
Udumalpet.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 16.03.2015.

For Petitioner : Mr.B.Kumarasamy

For R1 to R3 : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard Mr.B.Kumarasamy, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondents 1 to 3 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, notice to the respondents 5 and 6 is dispensed with and the merits of the allegations made by the petitioner as against the respondents 5 and 6 are not gone into and it is left to the official respondents to consider the same.

3.The petitioner has filed this writ petition seeking for a direction to the 2nd respondent to consider the petitioner's representation dated 16.03.2015.

4.It appears that there is a dispute between the petitioner and his group of persons and the 5th respondent who is claiming to be the Elected President of the 6th respondent-Association. According to the petitioner, his term of office has come to an end in the year 2010. The petitioner and two others have filed a suit in OS.No.462/2013 praying for a decree to direct the defendants 8 to 23 therein to deposit the monthly rent into the Court of Shop building occupied by them belonging to the first defendant-Society by way of mandatory injunction and for a permanent injunction restraining the defendants 2 to 16 therein from in any way collecting rents or any other amounts for the properties belonging to the 1st defendant. The 2nd defendant in the suit is the 5th respondent herein and the 1st respondent herein is the 20th defendant in the suit.

5.Since the petitioner has already approached the Civil Court for appropriate relief, the petitioner has to pursue his claims before the Civil Court and in the interregnum, a writ petition cannot be entertained, more so, when the dispute is purely an internal dispute between the petitioner and the 5th respondent, vis-a-vis, a Society. Hence, the relief sought for cannot be granted.

6.In the result, the writ petition is dismissed. However, this will not prevent the petitioner from pursuing his remedy before the Civil Court. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/- सतयमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Backward Class Welfare
Officer, the District Collectorate office,
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- 2.The District Treasury Officer
District Treasury,
Tiruppur District.
- 3.The Sub Treasury Officer
Sub Trasury, Udumalpet,
Tiruppur District.
- 4.The Branch Manager
State Bank of India,
Jallipetti Branch,
Kurichikottai, Udumalpet.

+ 1 cc to Mr. B.Kumarasamy, Advocate SR.16164

+ 1 cc Government Pleader Sr.16164

PA(CO)

EU 07.04.2015

WP.No.7923 of 2015

सत्यमेव जयते

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