



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P. (MD) No.15036 of 2015

and

MP (MD) .No.1 of 2015

S.A.Baskaran

.. Petitioner

Vs.

1.The Member Secretary,
Town and Country Planning Department,
Madurai.

2.The Commissioner,
Corporation of Madurai,
Madurai.

3.Kokilarani

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to stop the construction which is getting erected at Door No.25A, Harvey Nagar, 4th Street, Ward No.15, Survey No.1312/132, Madurai by the 3rd respondent without obtaining necessary permission from the 1st and 2nd respondents.

For Petitioner
For respondents

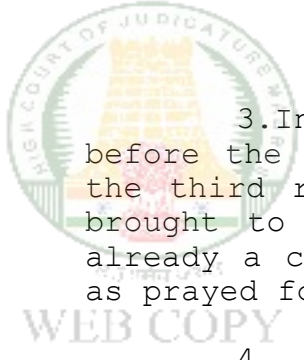
: Mr.S.Lakshmikanth
: Mr.C.Selvaraj
Special Government Pleader
for RR 1 and 2.
No appearance for R3.

ORDER

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner claims to be the owner of the property comprised in Survey No.1312/132 at Madurai. There is already a house on the said property in Door No.25A, Harvey Nagar, 4th Street, Ward No.15. The third respondent is his sister. Now, the third respondent is making some construction. The petitioner has got some grievance in this regard. He has made representation to the 1st and 2nd respondents. Since no action has been taken up, he has come up with this Writ Petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the State and perused the records carefully.



3. In our considered view, the remedy for the petitioner lies only before the civil Court, since the dispute is between the petitioner and the third respondent in respect of title of the property. It is also brought to our notice by the learned counsel for the petitioner, that already a civil suit is pending. In such view of the matter, no relief as prayed for could be given to the petitioner, in this Writ Petition.

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

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To
1. The Member Secretary,
Town and Country Planning Department,
Madurai.

2. The Commissioner,
Corporation of Madurai, Madurai.

+1CC to Mr.S.Lakshmikanth, Advocate, SR.No.48448
+1CC to The speical Governmnet Pleader SR.NO.48643.

ORDER MADE IN
W.P. (MD) No.15036 of 2015
and
MP (MD) .No.1 of 2015
20.08.2015

2P/5C
AM/AAL.MPA/09.09.2015.