



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17001 of 2015

N.Balakrishnan

... Petitioner

Vs.

The Commissioner,
Gudalur Municipality,
Theni District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent from making any structures or channels for draining the municipal sullage and drainage water into the rain water stream passing through Gudalur Town up to the stretch of Mullai- Periyar River by disposing the Petitioners representation dated 02.09.2015.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent :Mr.R.Karuppsamy Pandian

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

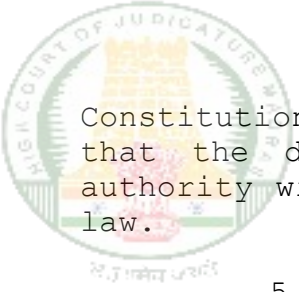
This writ petition has been filed to forbear the respondent from making any structures or channels for draining municipal sullage and drainage water into the rain water stream passing through Gudalur Town upto the stretch of Mullai-Periyar river by considering the representation of the petitioner dated 02.09.2015.

2.When the matter came up for hearing, learned counsel for the respondent municipality submitted that for the very same issue, the petitioner has filed a suit in O.S.No.334 of 2012 and produced a copy of the judgment and decree passed in O.S.No.334 of 2012 on the file of the District Munsif Court, Uthamapalayam.

3.It is submitted by the learned counsel for the petitioner that the land in question is different from the suit property.

<https://hcservices.ecourts.gov.in/hcservices/>

4.We are of the view that the disputed question of facts cannot be gone into by way of writ petition under Article 226 of the



Constitution of India. However, if the petitioner is able to establish that the disputed land is in some other place, then the competent authority will consider the same on its own merit and in accordance with law.

5. With the above observation, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

sms

To,
The Commissioner,
Gudalur Municipality,
Theni District.

+1CC to Mr.R.Suriya Narayanan Advocate Sr.No.55646

+1CC to Mr.R.Karuppasamy Advocate Sr.No.56168

AA/JGB/6.10.15-2P-4C

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