



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17353 of 2015

and

MP (MD) NO.1 of 2015

S.R.Sreeni

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the Respondents from demolishing the Church Building prayer hall and residential building of Pastor situating in ward B Block 18 T.S.No.10 Vattakkanal road Kodaikanal Dindigul District till the disposal of the review petition dated 19.08.2015 filed by the petitioner against the confirmation order passed by the Respondent No.1 in Roc No.3569/2007/H1 dated 11.06.2015.

For Petitioner : Mr.R.Alagumani
For 1st Respondent : Mr.M.Govindan,
Special Government Pleader.

For 2nd Respondent : Mr.K.Dinesh Babu

ORDER

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

This writ petition has been filed to forbear the respondents from demolishing the Church building prayer hall in ward B, Block-18 in T.S.No.10, Vattakkanal Road, Kodaikanal, Dindigul District, till the disposal of the review petition dated 19.08.2015 filed by the petitioner against the confirmation order passed by the first respondent in Roc No.3569/2007/H1, dated 11.06.2015.

2.Admittedly, the petitioner has filed a review petition before the Secretary to Government, Municipal Administration Department. The authority before whom, the review petition is pending, the petitioner has not impleaded the Secretary to Government, Municipal Administration Department as party respondent in the writ petition. Having filed the review petition, the prayer in the writ petition



seeking for stay of the order of the first respondent is not maintainable. Hence, it is open to the petitioner to file a petition for stay in the review petition before the Secretary to Government, Municipal Administration Department.

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

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

sms

To

1.The District Collector,
Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Dindigul District.

+1cc to Mr.R.ALAGUMANI, ADVOCATE SR NO.56809

+1CC TO SPECIAL GOVERNMENT PLEADER SR NO.56933

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rg.13.10.2015/NGM.SS/SAR-II 2P/5C.