

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1686 of 2016

Thiruvalluvar Narpani Mandram
[Regd No.59/2015]
No.2/37, Aiyanna Valavu,
Muruganapatti [PO]
Sivathaapuram (Via),
Salem District-636307
rep. by its President
N.Aiyappan

.. Petitioner

V.

1. The District Collector,
Salem District 636 001.
2. The Block Development Officer
Veerapandi Panchayat Union,
Salem District.
3. The President
Aariya Goundampatty Village Panchayat
Aariya Goundampatty, Aiyanna Valavu
Muruganapatti [PO], Sivathaapuram via
Salem District.
4. The Village Administrative Officer
No.3, Mooduthurai Group, Salem West
Salem District.

5. G.Suresh

6. P.Gunasekaran

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 4 to laying a road/pathway from Sitthar Kovil, Salem Steel Plant Main Road to petitioner's Aiyanna Valavu village, Aariya Goundan village Panchayat, Veerapandi Village Union, Salem District on the basis of his representation dated 27.07.2015 within a time frame to be fixed by this Court.

For Petitioner .. Mr.C.RajaGuru
For Respondents .. Mr.R.Rajeswaran, Spl.GP for R1
Mr.R.Ravichandran, AGP for
RR2&3

ORDER

Heard the learned counsel for the petitioner; Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the 1st respondent and Mr.R.Ravichandran, learned Additional Government Pleader accepting notice for respondents 2 and 3 and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner, who is a registered Association, seeks for issuance of a writ of mandamus to direct the respondents to form a road from Sitthar Kovil, Salem Steel Plant Main Road to the Aiyanna Valavu village, Aariya Goundan village Panchayat, Veerapandi Village Union, Salem District, by considering his representation dated 27.07.2015.

3.It is admitted by the petitioner that a suit is pending before the District Munsif Court, Salem in O.S.No.3 of 2014 filed by G.Suresh and P.Gunasekaran and the President of the Village Panchayat and the Block Development Officer of the Veerapandi Panchayat Union, Salem District are the defendants in the suit wherein they have sought for a decree of permanent injunction.

4.The learned counsel for the petitioner would state that when the petitioner sought for information under the Right to Information Act, a reply was given on 26.08.2014 by the Information Officer that the formation of the road will be considered after the disposal of the civil suit.

5.The learned counsel for the petitioner would also submit that false information has been furnished before the Civil Court and the Block Development Officer, who is the 2nd defendant, has also not placed the proper facts. If that be the case, it is always open to the petitioner to intervene in the proceedings and place the facts, which according to the petitioner are correct. Hence, at this juncture, the writ of mandamus cannot be issued, since the matter is already seized of by the Civil Court.

6. Accordingly, the Writ Petition is disposed of with an observation that it is open to the petitioner to workout his rights before the Civil Court in the pending suit. No costs.

Sgl

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Salem District.
2. The Block Development Officer
Veerapandi Panchayat Union,
Salem District.
3. The President
Aariya Goundampatty Village Panchayat
Aariya Goundampatty, Aiyanna Valavu
Murungapatti [PO], Sivathaapuram via
Salem District.
4. The Village Administrative Officer
No.3, Mooduthurai Group, Salem West
Salem District.

+ 1 cc to Mr.C.Rajaguru, Advocate SR 3056

+ 1 cc to Govt.Pleader SR 3220

scd(co)
prk27/1

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