

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.4389 of 2013

M.Dhandapani

.. Petitioner

-vs-

1.The District Collector,
Namakkal District,
Namakkal.

2.The Commissioner,
Komarapalayam Municipality,
Komarapalayam,
Tiruchengode Taluk,
Namakkal District.

3.M.Vadivel,
Trustee,
Arulmigu Samayapuram Mariyamman Thirukkivil,
3B1, Kamarajapuram,
Komarapalayam,
Amani Village,
Tiruchengode Taluk,
Namakkal District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to remove the illegal structure put up by the third respondent in Town Survey No.136 in Block 9 in Ward B in Komarapalayam Town Tiruchengode Taluk, Namakkal District forthwith/within the time frame fixed by this Court.

For Petitioner : Mr.D.Gopal

For Respondents: Mr.STS.Moorthy

Government Pleader

assisted by

Mr.V.Shanmugasundar

Govt. Advocate for R1

Ms.A.S.Jayanthi for R2

R3 No Appearance

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Civil Suit in O.S.No.11 of 2013 on the file of the District Munsif Court, Thiruchengode is pending inter se the third respondent and authorities being respondent Nos.1 and 2 qua the same subject matter. The petitioner cannot achieve the objective of overcoming those proceedings by giving a colour of public interest litigation and thus, the rights of respondent No.3 can be determined in the suit proceedings.

2. We are not inclined to entertain this public interest litigation.

3. The writ petition is dismissed. No costs.
bbr

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Commissioner,
Komarapalayam Municipality,
Komarapalayam,
Tiruchengode Taluk,
Namakkal District.

+ 1 cc to Mr.D.Gopal, Advocate SR 32679

+ 1 cc to Govt.Pleader SR 32758

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