



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.16507 of 2016

K.Ponmeni

.. Petitioner

Vs.

1.The Chairman,
The Tamilnadu Energy Development Agency(TEDA),
No.68, 5th Floor,
EVK Sampath Maaligai Building,
College Road, Chennai - 6.

2.The Superintending Engineer,
TANGEDCO,
Kovai Road, Karur.

3.The Managing Director,
M/s.Sidarrtha Energy Private Limited Company,
Door No.28, Ground Floor,
1st Main Road,
C.I.T. Colony, Chennai - 35.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents to Install and raise Solar Power Plant in petitioner's property comprised in survey Nos. 351, 352, 354, 356, 359, 360, 361 and 362 of Kodayar Revenue Village, Aravakurichy Taluk, Karur Taluk.

For Petitioner : Mr.R.Rajamohan

O R D E R

This writ petition has been filed by Mrs.K.Ponmeni seeking writ of mandamus forbearing the respondents to Install and raise Solar Power Plant in petitioner's property comprised in survey Nos. 351, 352, 354, 356, 359, 360, 361 and 362 of Kodayar Revenue Village, Aravakurichy Taluk, Karur Taluk.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the lands comprised in Survey Nos.



351, 352, 354, 356, 359, 360, 361 and 362 of Kodayar Revenue Village, Aravakurichy Taluk, Karur Taluk since the said property is her ancestral property.

4. Whiel so, some strangers, who have no right over the property, created some sham and nominal documents by claiming that the properties are belonging to them. Therefore, the petitioner has filed a suit in O.S.No.210 of 2016 for declaration to declare that the property in question belongs to her with the consequential prayer that the sham and nominal documents are null and void. The said suit is pending on the file of the Principal District Munsif Court , Karur. In the meanwhile, the third respondent is attempting to interfere with the possession of the suit property. Therefore, the petitioner has filed another suit in O.S.No.225 of 2016 on the file of the same Court.

5. The third respondent is engaging in the business of installation of Solar Power Plant to raise a Solar Power Plant. When it is the admitted case of the petitioner that he has filed civil suits in O.S.Nos.210 of 2016 and 225 of 2016, which are admittedly pending on the file of the Principal District Munsif Court, Karur, if the third respondent is really attempting to install Solar Power Plant in his property, he can workout his remedy before the civil court, where the civil suits are pending. No parellel proceeding is admissible in law. If this Court entertains this writ petition, any observation made by this Court in favour of the petitioner will definitely have a bearing on the pendency of the civil suits. In view of the same, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

CM

To,

1.The Chairman,
The Tamilnadu Energy Development Agency(TEDA),
No.68, 5th Floor,EVK Sampath Maaligai Building,
College Road, Chennai - 6.

2.The Superintending Engineer,
TANGEDCO,Kovai Road, Karur.

+1 cc to Mr.R.RAJAMOHAN,Advocate, Sr.No: 49535

JAM/DB/16.09.16/ 2P-4C

W.P (MD) No.16507 of 2016
01.09.2016