



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2011

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.6293 of 2011

and

M.P. (MD) .No.1 of 2011

Patchaikannu : Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Project Director (Tsunami),
District Collectorate Premises,
Ramanathapuram,
Ramanathapuram District.

3.A.P.R.Project Private Limited,
rep.by its Project Manager,
Ramanathapuram District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a WRIT OF MANDAMUS directing the 1st Respondent to suspend the work permit order in favour of the 3rd Respondent for construction of houses under Emergency time Tsunami Rehabilitation Scheme in the petitioner's land in S.No.324/3A2B situated at Narippaiyoor Village, Kadaladi Taluk, Ramanathapuram District, till the disposal of the suit in O.S.No.51 of 2010 on the file of the Learned District Munsif Court, Mudhukulathur, Ramanathapuram District, as per the proceeding of the 1st Respondent dated 29-07-2010 in Na.Ka.T.I.U.4/1300/2010 dated 29-07-2010.

For Petitioner	:Mr.J.Lawrance
For R.1&2	:Mr.M.Murugan Government Advocate
For R.3	: No appearance

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner filed this Writ Petition to direct the respondents 1 and 2 to restrain the third respondent from proceeding with the construction till the disposal of the civil



suit in O.S.No.51 of 2010 pending on the file of the learned District Munsif Court, Mudhukulathur, Ramanathapuram District.

2. Heard the learned Counsel for the petitioner and learned Government Advocate for the respondents 1 and 2.

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3. There is no question of issuing a Writ of Mandamus to restrain the third respondent from proceeding with the construction, since the civil suit is pending between the parties. Nothing prevented the petitioner from filing an appropriate application before the trial Court for appropriate relief. The petitioner has taken up parallel proceedings.

4. The Writ Petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Project Director (Tsunami),
District Collectorate Premises,
Ramanathapuram,
Ramanathapuram District.

+1cc to MR.J.Lawrance, Advocate Sr.No.47579/16

+1cc to special Government Pleader Sr.No.47695/16

Ssm

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