

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM :

The Hon'ble MS.INDIRA BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.8148 of 2017

and

W.M.P.No.8931 of 2017

Meenathal

.. Petitioner

-vs-

1. The District Collector,
Thiruppur District.

2. The Commissioner,
Palladam Municipality,
Pollachi Road,
Palladam,
Thiruppur District.

3. Thayammal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to inspect the property on petitioner's representation dated 17.02.2017 further prevent the third respondent from doing any unauthorised construction in the petitioner's property.

For Petitioner : Mr.S.Mahaveer Shivaji

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondent Nos.1 & 2

* * * * *

ORDER

(Order of the Court was made by M.Sundar, J.)

The writ petitioner has filed the instant writ petition seeking a direction to respondent Nos.1 and 2 - District

Collector, Thiruppur and Palladam Municipality to inspect the petitioner's property measuring an extent of 1144 square links in S.No.4, situated at Palladam Vadugampalayam Village, pursuant to the representation dated 17.02.2017 and prevent respondent No.3 from putting up/continuing with construction, which according to the writ petitioner is unauthorised.

2. Be that as it may, it is seen from the typed set of papers as well as the averments in the affidavit filed in support of the writ petition that the writ petitioner and respondent No.3 are blood sisters and the property in question, originally belonged to their father. It is also not in dispute (as is evident from the typed set of papers) that a civil suit pertaining to this very property, being O.S.No.186 of 2011 is now pending between the writ petitioner and respondent No.3 on the file of the District Munsif Court, Palladam.

3. Therefore, this is a personal dispute between the petitioner and respondent No.3 who are blood sisters. Therefore, we are not inclined to entertain this writ petition. It is open to the writ petitioner to pursue the aforesaid suit.

4. The writ petition is dismissed. No costs. Consequently, W.M.P.No.8931 of 2017 is closed.

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Thiruppur District.

2. The Commissioner,
Palladam Municipality,
Pollachi Road,
Palladam,
Thiruppur District.

+1 CC to Govt. Pleader sr 20901

+1 CC to Mr.S.Mahaveer Shivaji, sr 21398

W.P.No.8148 of 2017

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