

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.8679 of 2017 and WMP.No.9512 of 2017

M.A.Krishna Moorthy .. Petitioner

Versus

The Commissioner,
Ambur Municipality, Ambur-635 802.
Vellore District. .. Respondent

PRAYER:- Writ petition filed under Article 226 of the Constitution of India
prays to issue a Writ of Certiorari calling for the records of the respondent
dated 18.02.2017 in Na.Ka.No.1869/2016/F1 and quash the same.

For Petitioner : Mr.S.Thamizharasi

For Respondent : Mr.R.Vijayakumar, AGP

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

After some arguments, learned counsel appearing for the petitioner, on instructions made an endorsement to withdraw this writ petition with an opportunity to pursue the liberty under Order 39 Rule 2A C.P.C.

2 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent has drawn the attention of this Court to the counter affidavit and would submit that in the light of the decree for mandatory injunction passed in O.S.No.491/1996 on the file of the District Munsif, Ambur, Vellore District, the petitioner is not entitled to put up construction in 60 feet road and thereby, violated the approval granted by the Director of Town and Country Planning and prays for dismissal of this writ petition.

3 A perusal of the materials placed before this Court in the form of typed set of documents would disclose that the petitioner has filed a comprehensive suit in OS.No.96/2016 on the file of the Court of Ambur, Vellore district, against the Collector of Vellore District, Special Tahsildar

(Urban Land Tax Scheme), Assistant Director of Urban Land, Chennai as well as against the Commissioner of Ambur Municipality, praying for declaration.

4 The petitioner herein through Power of Attorney, filed OS.No.96/2016 praying for subdividing the suit scheduled property leaving the road and to grant separate Patta as per the said Gift Settlement Deed and also for permanent injunction restraining the defendants from interfering in his possession and also to remove the fence put up and it is the submission of the learned counsel appearing for the petitioner, on instructions the petitioner is also having the benefit of interim injunction on pending disposal of the said suit and in utter violation of the same, impugned notice has been sent by the respondent.

5 In the light of the submission made by the learned counsel appearing for the petitioner that the petitioner is having the benefit of interim order in the pending suit in OS.No.96/2016 on the file of the

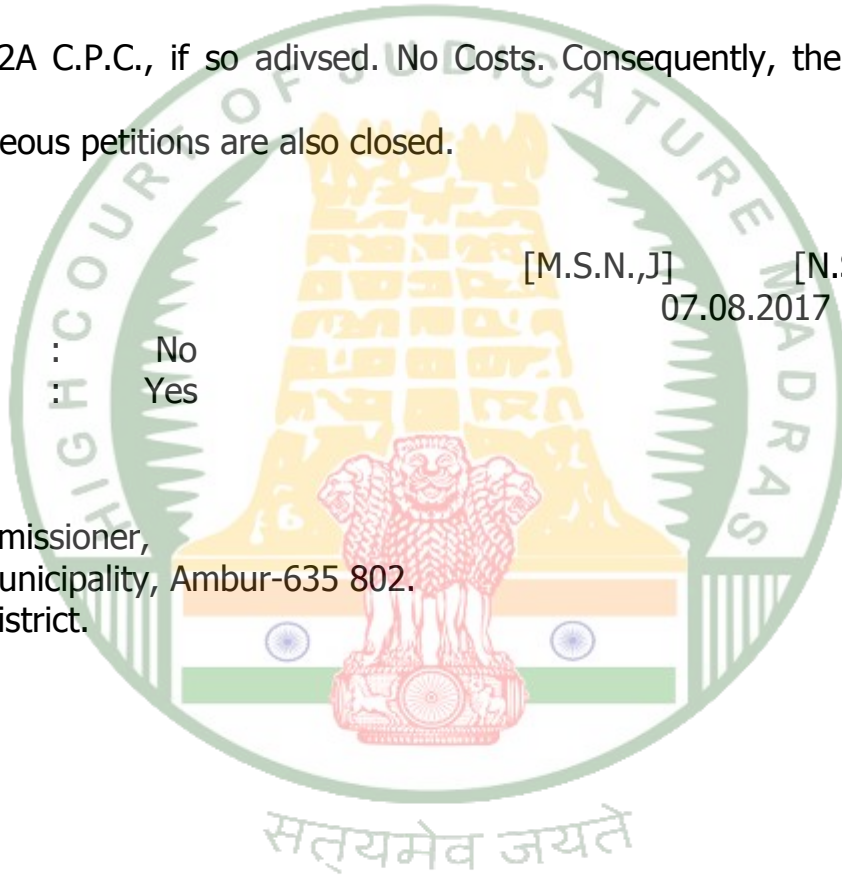
M.SATHYANARAYANAN.,J,
and
N.SESHASAYEE.,J,

Principal District Munsif, Ambur, Vellore District, the writ petition is dismissed as withdrawn and the petitioner is at liberty to invoke the Order 39 Rule 2A C.P.C., if so advised. No Costs. Consequently, the connected miscellaneous petitions are also closed.

[M.S.N.,J] [N.S.S., J]
07.08.2017

Index : : No
Internet : : Yes
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To
The Commissioner,
Ambur Municipality, Ambur-635 802.
Vellore District.



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