



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.14495 of 2015

and

M.P. (MD) No.2 of 2015

1.Kalidas
2.Senthamizh Selvan .. Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Divisional Engineer (H),
Construction & Maintenance,
Highway Department,
Virudhunagar.

3.The Executive Officer,
Kariyapatti Town Panchayat,
Kariyapatti,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to take immediate action in furtherance of the communication by the second respondent dated 15.06.2015 in Ka.No.1486/2015/A3 and to demolish the illegal construction put up by the third respondent in violation of the plan dated 12.12.2014 on the Highway margin on Tuticorin - Madurai Highway.

For Petitioners : Mrs.Mareeshwari
for Mr.S.Natarajan

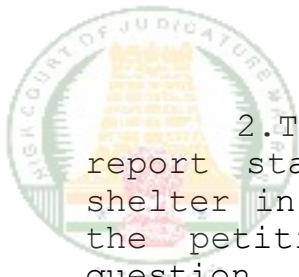
For RR 1 & 2 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For R - 3 : Mr.PrithviRaj
for Mr.C.Selvaraj

ORDER

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioners filed this writ petition directing the respondents 1 and 2 to take appropriate action against the third respondent on account of illegal construction stated to have been made by the local body in violation of the sanctioned plan.



2.The Advocate Commissioner, appointed by this Court, in his report stated that there was a small extension of the waiting shelter in deviation of the sanctioned plan. The shops belonging to the petitioners are situated just behind the bus shelter in question.

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3.The learned counsel for the third respondent submitted that the petitioners have already filed a civil suit in O.S.No.69 of 2015, before the District Munsif Court, Aruppukottai, for injunction and the same is still pending.

4.In view of the pendency of the civil suit, we do not find any reason to entertain this Writ Petition.

5.In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Divisional Engineer (H),
Construction & Maintenance,
Highway Department,
Virudhunagar.

3.The Executive Officer,
Kariyapatti Town Panchayat,
Kariyapatti,
Virudhunagar District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.67929

+1cc to Mr.S.NATARAJAN Advocate in SR. No.67564

PS/SM

JS/MR.KKR/SAR.1/1.8.2017/2P-6C

W.P. (MD) No.14495 of 2015
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