



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.9048 of 2014
and
M.P. (MD) Nos.1 of 2014 & 1 of 2015

K.Govindaraj

.. Petitioner

Vs.

1. The Commissioner,
City Municipal Corporation,
Bharathidhasan Salai,
Kondonment,
Trichy.

2. The District Collector,
Trichy District,
Trichy.

3. The Commissioner of Police,
Subramaniyanayapuram,
Trichy.

4. M.Kannan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to initiate legal action against the fourth respondent for his illegal construction and consequently direct the first to third respondents to remove the illegal construction at Door No.53B, 53C of Town Survey No.126 and 1237 at Keelavaikolkara Street, Uraiyur, Trichy.

For Petitioner : Mr.R.Pandi Maharaja
for Mr.C.M.Arumugam

For RR 1 to 3 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For R - 4 : Mr.R.Sundar

**ORDER**

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

There are civil proceedings between the petitioner and the fourth respondent. The affidavit filed in support of the writ petition would make it very clear that the property which is the subject matter of this writ petition is the very same property which was shown in the schedule to the plaint in O.S.No.890 of 2012, on the file of the First Additional District Munsif, Trichirappalli. We therefore do not find any reason to issue a writ of Mandamus at this point of time.

2.We give liberty to the petitioner to submit a comprehensive representation to the competent authority. It is for the competent authority to take a decision in accordance with law.

3.The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
City Municipal Corporation,
Bharathidhasan Salai,
Kondonment,
Trichy.
2. The District Collector,
Trichy District,
Trichy.
3. The Commissioner of Police,
Subramaniyanayapuram,
Trichy.

+1cc to Mr.C.M.Arumugam, Advocate SR.No.67697

+1cc to Mr.R.Sundar, Advocate Sr.No.67555

+1cc to The Spl.Government Pleader Sr.No.68368

PS/KM

VB/JC/SAR4/09/08/2017/2P/7C

**W.P. (MD) No.9048 of 2014
and**

**M.P. (MD) Nos.1 of 2014 & 1 of 2015
25.07.2017**