



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2017

CORAM:

**THE HONOURABLE MR.JUSTICE A.SELVAM**  
and  
**THE HONOURABLE MR.JUSTICE P.KALAIYARASAN**

W.P (MD) No.39 of 2017  
and  
W.M.P (MD) Nos.29 and 30 of 2017

Arulmigu Sivaloganathar Temple, Siruganur  
through its Executive Officer.

.. Petitioner

**Vs.**

1.The District Collector, Trichy.

2.The Special Officer, Siruganur Panchayath,  
Manachanallur Taluk, Trichy District.

3.Arasu Prabhakaran @ Raja Prabhakar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove unauthorized constructions put by third respondent in respect of S.No.228/5B 0.31.0 Ares in Siruganur Village, Manachanallur Taluk, Trichy District.

|                     |                                                               |
|---------------------|---------------------------------------------------------------|
| For Petitioner      | : Mr.S.Manohar                                                |
| For Respondent No.1 | : Mr.D.Muruganandam,<br>Additional Government Pleader.        |
| For Respondent No.2 | : Mr.T.S.Mohammed Mohideen,<br>Additional Government Pleader. |

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to remove unauthorized construction alleged to have been made by the third respondent in Survey No.228/5, Siruganur Village, Manachanallur Taluk, Tiruchirappalli District, by way of issuing a writ of mandamus.

2. It is averred in the petition that the petitioner is the owner of Survey No.228/5, Siruganur Village, Manachanallur Taluk, Tiruchirappalli District, wherein the third respondent has constructed



a building unauthorizedly. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

4.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the first respondent and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the second respondent.

5.It is seen from the records that the present petitioner as plaintiff has already filed Original Suit No.233 of 2016 on the file of the District Munsif Court, Lalgudi, wherein the present third respondent has been shown as sole defendant.

6.Considering the fact that already a civil suit has been filed and the same is pending, the relief sought in the present writ petition cannot be granted and therefore the present writ petition deserves to be dismissed.

7.In fine, this writ petition is dismissed without costs and the petitioner is directed to work out his remedy by way of amending the plaint filed in Original Suit No.233 of 2016 suitably. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Trichy.

2.The Special Officer, Siruganur Panchayath,  
Manachanallur Taluk,  
Trichy District.

+ 1cc to Mr.T.S.Mohammed Mohidheen Advocator in SR-299  
+ 1cc to S.Manohar Advocate in SR-383  
+ 1cc to Special Government Pleader in SR-497

AAM:12.01.2017:2p/6c

**ORDER MADE IN**  
**W.P(MD)No.39 of 2017**  
**and**  
**W.M.P(MD)Nos.29 and 30 of 2017**  
**03.01.2017**