

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.4291 of 2011

MP.No.1 of 2011

G.Palani

Petitioner

Vs

The Commissioner, Pallavaram Municipality
Pallavaram, Chennai-43

Respondent

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the Respondent, from in any manner, taking steps to put up any public road or erect or construct any type of chambers of pipeline meant for the purpose of underground sewerage connection in the Petitioner's property at Old No.3, New No.2, Baskar Nagar, 2nd Street, Keelakattalai, Chennai-117.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.Rajakalifullah for
Ms.V.Renuka Devi

ORDER

The prayer in this Writ Petition is to forbear the Respondent, from in any manner, taking steps to put up any public road or erect or construct any type of chambers of pipeline meant for the purpose of underground sewerage connection in the Petitioner's property at Old No.3, New No.2, Baskar Nagar, 2nd Street, Keelakattalai, Chennai-117.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The grievance of the Petitioner is that the Respondent is attempting to put up a public road in the petition mentioned property. On the other hand, by filing a counter affidavit, the Respondent has disputed the title of Petitioner over the petition mentioned property. It is also seen from the counter affidavit filed by the Respondent, admittedly, the Petitioner had

already filed a suit in OS.No.592 of 2009 before the District Munsif Court, Alandur, seeking permanent injunction, against the inhabitants of the said area. However, the Petitioner was not able to obtain any interim order from the said Civil Court. Having failed to get any interim order in the said suit, this Writ Petition has been filed. The said suit is pending. In such circumstances, the Petitioner cannot seek a parallel remedy by way of a Writ Petition, as the right and title of a property cannot be decided under the Article 226 of the Constitution of India. Hence, this Court is not inclined to entertain this Writ Petition. Consequently, this Writ Petition is dismissed. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Srcm

To

The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai-43

+1cc to Mr.J.Rajakalifula, Advocate, S.R.No. 83970
+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No. 84656

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VBA (CO)
GN (07/02/2019)

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