

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.09.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.24803 of 2018

R. Thanigaivel

..Petitioner

Vs.

1.The District Education Officer
Kancheepuram District.

2. The Inspector of Education
Education Department
Kancheepuram District.

3. The Director of Elimentary School
Education Department
Kancheepuram District.

4. Mrs. Bharthi, W/o late Gnanavel
Correspondent Vetri Vidyalaya Primary School
No.206, GST Road Karunkuzhi Maduandagam,
Kancheepuram District.

..Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to complete the enquiry on the representation dated 08.06.2018 by the petitioner within a reasonable time.

For Petitioner : M/s.S.C.B.Muralikrishnan
For Respondents : Mrs. V. Annalakshmi
(R1 TO R3) Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to complete the enquiry on the representation dated 08.06.2018 within a time stipulated by this court.

2. In the representation dated 08.06.2018, the petitioner has stated that the fourth respondent in this writ petition is trying to put up a Construction over a property, in which, the petitioner has 1/3rd share and that such Construction is illegal and therefore, the respondents shall take appropriate action to stop the construction. The petitioner has further stated that the respondent, in case failed to take necessary

action against the illegal construction, he will take proper legal action in the suit in OS No.109 of 2016 on the the file of District Munsif Court, Madhurandhagam.

3. The brief facts that are necessary for disposal of the Writ Petition is as follows.

4. The petitioner states that the property at Door No.20/6, G.S.T. Road, Karankuzhi Madurandagam Taluk, comprised in Survey No.403/9, 403/10 and 403/2011 measuring about 11 cents originally owned by the ancestors of the petitioner and that his father during his life time had illegally leased out the property in favour of the petitioner's brother.

5. It is not in dispute that in the property, the fourth respondent, viz., the wife of petitioner's brother as on date is running a School. The petitioner has already filed a suit in OS No.169 of 2006 on the file of District Court, Chengalpattu for partition and separate possession of his 1/3rd share in the suit properties including the property referred to above.

6. It is the case of the petitioner that he has made several representations to the official respondents not to grant renewal of recognition, on the ground that the fourth respondent is in illegal possession of the property. Since no action was taken, the petitioner has filed the present Writ Petition for issuance of a direction to the respondents to complete the enquiry based on his representation dated 08.06.2018.

7. Considering the above submissions, this Court is of the view that if the construction put up by the fourth respondent is illegal, it is always open to the petitioner to approach the Civil Court for appropriate interim relief. When proper remedy of the petitioner is to approach the Civil Court, the petitioner cannot circumvent and seek relief before the authorities who is not competent to grant any relief after adjudicating the contentious issues regarding right, title or interest of the parties.

8. In the above circumstances, this Court is not inclined to entertain the Writ Petition. Hence, the Writ Petition is dismissed. However, liberty is given to the petitioner to approach the Civil Court in either of the Suits, which is pending in O.S.no.169 of 2006 or in the suit in O.S.No.109 of 2016, referred to by the petitioner in the representation. No costs.

pds/pvs

Sd/-

Assistant Registrar (CS-CCC)

// True Copy//

To

1.The District Education Officer
Kancheepuram District.

2. The Inspector of Education
Education Department
Kancheepuram District.

3. The Director of Elimentary School
Education Department
Kancheepuram District.

+ 1 CC TO MR.C.B.MURALIKRISHNAN, ADVOCATE SR 65654

+ 1 CC TO THE GOVT. PLEADER, SR 65840

KR/9/10/18

W.P.No.24803 of 2018



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