

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.30455 of 2016
and W.M.P.Nos.26407 and 26408 of 2016

President Panchayath Board,
Rep. by its President Abhitha Kumari
Guruvarajapalyam village & post,
Via Madhanur, Ambur Taluk, Vellore District.

...Petitioner

Versus

1. The District Collector,
Vellore District.
2. The Executive Engineer (Water Resources & Irrigation),
Public Works Department, Executive Office,
Vellore District.
3. Junior Engineer (Water Resources & Irrigation),
Having office at Ambur Taluk, Vellore District.
4. Block Development Officer,
Panchayat Union, Madhanur,
Ambur Taluk, Vellore District.
5. The Divisional Engineer (Highways & Rural Works),
Highways Department,
Divisional Office, "B" Block, Vellore -9.
6. Puniyamoorthy,
Contractor, Main Bazar,
Odugathur Village, Anaicut Taluk,
Vellore District.
7. Theramaraja @ Ragu
8. Krishnaraja
9. Kothandaraja

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the file in NA.A2.1367/2016, dated 04.02.2016 issued by the 4th respondent and quash the same forbearing the respondents 7 to 9 not to interfering with the petitioner's construction work bush shed in the bus stand at Guruvarajapalayam Village, Ambur Taluk, Vellore District.

For Petitioner

: M/s.D.Malarvizhi

For RR1 to 3, & 5 : Mr.N.Manikandan
Government Advocate
For R4 : Mr.S.N.Parthasarathi
For R6 : Mr.D.Ezhilarasan
For RR7 to 9 : Mr.N.S.Nageshwaran

O R D E R

This writ petition is filed for issuance of a writ of certiorarified Mandamus to quash the order of the 4th respondent passed in NA.Ka.A2.1367/2015, dated 04.02.2016.

2. The case of the petitioner is that the Panchayat Board, Guruvarajapalyam has passed a resolution to construct a shed for bus stop at Guruvarajapalyam and the 1st respondent has allotted Rs.5 lakhs for the said purpose. In the meantime, the 4th respondent sent communication dated 04.02.2016 to stop further construction. Hence, the present writ petition.

3. The learned counsel for the respondents submitted that in respect of the same issue, a suit in O.S.No.15 of 2016 is filed before the District Munsif Court, Ambur and in I.A.No.48 of 2016, an order of interim injunction is granted preventing the petitioner from putting up further construction and the interim order is still in force.

4. The learned counsel for the petitioner submitted that the petitioner has moved an application to vacate the interim order granted in I.A.No.48 of 2016 and after the interim order is vacated, the petitioner may be permitted to put up the bus shed.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. In the instant case, it is not in dispute that the Civil Court has entertained a suit and granted an order of interim injunction against the petitioner, restraining him from putting up bus shed. In the impugned order, the respondent has directed the petitioner to stop further construction till the disposal of the suit and he was also directed to get No Objection from Water Resources Department.

7. In the light of the above facts, this Court does not find any merit in this writ petition. In the result, the writ

petition is dismissed. However, it is open to the petitioner to approach the Civil Court for modification of the order and after obtaining the said No Objection certificate, the petitioner shall approach the respondents to proceed further. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

pvs

To

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Vellore District.
3. Junior Engineer (Water Resources & Irrigation),
Having office at Ambur Taluk, Vellore District.
4. Block Development Officer,
Panchayat Union, Madhanur,
Ambur Taluk, Vellore District.
5. The Divisional Engineer (Highways & Rural Works),
Highways Department,
Divisional Office, "B" Block, Vellore -9.

+1cc to Mr.D.Malarvizhi, Advocate SR.No.4244

+1cc to Government Pleader SR.No.4597

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MP (CO)

GN (15/02/2018)

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