



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.18565 of 2018
and
W.M.P.(MD) No.16424 of 2018

Murugesan

... Petitioner

vs.

1.The District Collector
Thanjavur District

2.The Assistant Director of Panchayat
Thanjavur District Collectorate Buildings
Thanjavur

3.The Block Development Officer
Ammapettai Panchayat Union
Railadi Road, Ammapettai
Papanasam Taluk
Thanjavur District

4.Pitchai

5.Thailambal

6.Ganeshan

7.Rajeshwari

8.Devika

9.Karthika

10.R.Kannan

11.Soman

12.M.Poosaiammal

13.Raja

14.K.Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus against the respondents 1 to 3 directing them to not to sanction or approve and release funds for the purpose of constructing toilets under any of the schemes of the Government in survey Nos.308/4A1, 308/4A2, 308/4A3, 308/4A4, 308/4AK1, 308/4AK2, measuring 90 cents in Poondi No.2 Village



Papanasam Taluk, Thanjavur District on the request of the respondents 4 to 14 or any other person and to withdraw the sanction if it had been already granted and further direct the respondents to remove the constructions.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.A.Muthu Karuppan

Additional Government Pleader for R1 to R3

O R D E R

In respect of the dispute, as raised in this writ petition, between the petitioner and the private respondents, already a suit was filed in O.S.No.91 of 2014, before the competent Civil Court and it appears that the Civil Court has also decreed the suit on 21.01.2015. Thereafter, it appears that an execution petition was filed in E.P.No.6 of 2017. While that being the case, this Court does not appreciate as to how the petitioner can approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India almost seeking to execute the decree granted by the Civil Court.

2. This Court is of the view that the attitude of the petitioner is nothing but to achieve indirectly what he cannot achieve directly. In case the petitioner has any grievance on the relief being granted by the official respondents to the private respondents, it is always open to him to workout his remedies in the pending execution proceedings. It is certainly not open to him to approach this Court by way of collateral proceedings. Therefore, the writ petition is not maintainable and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To:

- 1.The District Collector,
Thanjavur District.
- 2.The Assistant Director of Panchayat,
Thanjavur District Collectorate Buildings, Thanjavur.
- 3.The Block Development Officer,
Ammapettai Panchayat Union,
Railadi Road, Ammapettai,
Papanasam Taluk, Thanjavur District.

+1cc to Mr.H.Lakshmi Shankar, Advocate, SR.No.80397

W.P.(MD) No.18565 of 2018

and

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