

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.900 of 2019

Rev.Prince Bakthasingh

... Petitioner

Versus

1. The Commissioner,
Municipal Administration,
Chepauk, Chennai - 600 005.
2. The District Collector,
Collectorate,
Ariyalur.
3. The Commissioner,
Jayankondam Municipality,
Municipality Office,
Jayankondam.
4. The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus for bearing the respondents and their men, agents or representatives from taking any action, putting up fencing or in any way preventing the ingress and egress from the petitioners premises "The Prayer Hall" having known as "The Immanuel Christ Assembly", situated in S.No.751H1A1B at Jayamkondacholapuram village, Jayankondam, Ariyalur District and blocking the common pathway connecting the petitioners premises from Sendurai Road without providing an alternative access and till the final conclusion of the O.S.No.107 of 2018 pending on the file of the District Munsif Court, Jayankondam.

For Petitioner : Mr.D.Muthukumar,
for Mr.Paul and Paul

For R1,2 and 4 : Mr.R.Govindasamy
Special Government Pleader

For R3 : Mr.E.Balamurugan,
Special Government Pleader

ORDER

This writ petition has been filed forbearing the respondents from blocking the common pathway connecting the petitioner's premises from Sendurai Road without providing an alternative access till the disposal of O.S.No.107 of 2018, which is pending on the file of the District Munsif Court, Jayankondam.

2. According to the petitioner, he has filed a suit in O.S.No.107 of 2018 on the file of the District Munsif Court, Jayankondam for permanent injunction restraining the respondents herein from interfering with the petitioner's right to use the pathway, which was shown as "A" schedule in the suit property. In the above suit, the petitioner has also filed an application in I.A.No.403 of 2018 seeking interim injunction and the above said application is pending. Now, pending suit, the respondents are trying to close the pathway. Hence, the present writ petition has been filed forbearing the respondents from preventing the petitioner's right to use the pathway pending disposal of the above suit.

3. Heard both sides and perused the materials available on records.

4. Admittedly, the petitioner has already filed a suit and the same is pending and the application seeking interim injunction is also pending before the trial Court. While the suit is pending, without getting any relief in the above suit, the petitioner cannot maintain the writ petition seeking for an interim relief. Hence, the writ petition itself is not maintainable. If at all the petitioner has any grievance, it is always open to him to approach the trial Court and get the suitable relief in the interim application filed in the suit. Without doing so, the petitioner cannot maintain the writ petition. Hence, the writ petition is not maintainable and it is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp/ssi

To

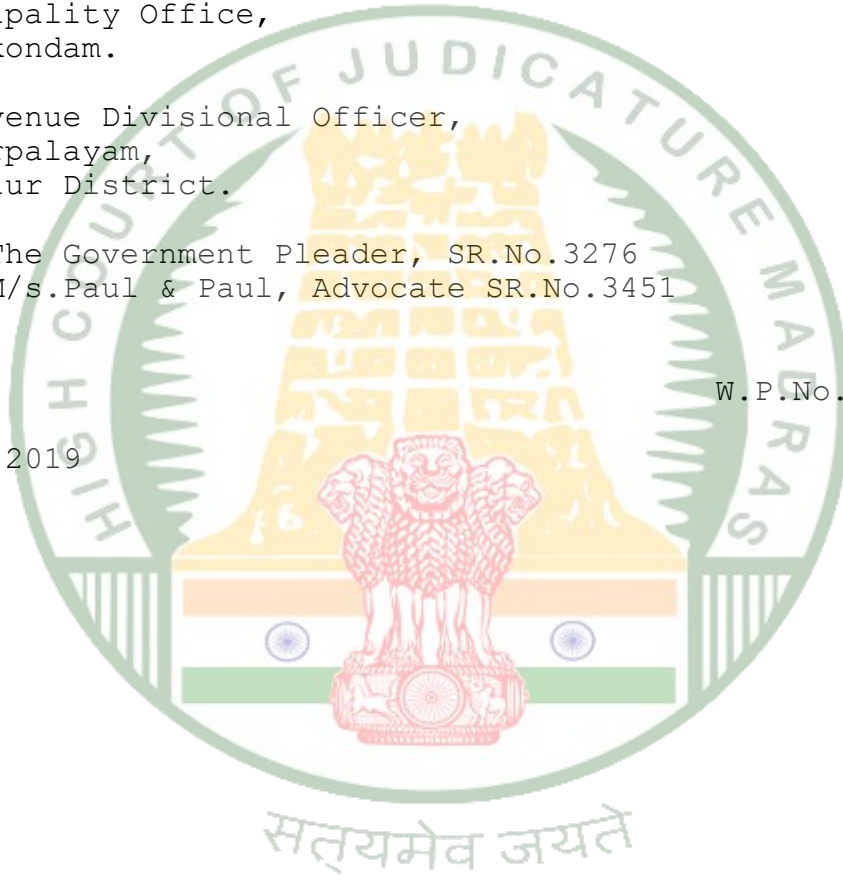
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+1 cc to The Government Pleader, SR.No.3276

+1 cc to M/s.Paul & Paul, Advocate SR.No.3451

CA(CO)
CSL/19.03.2019

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