

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3377 of 2008

N.Dhamayandhi

... Petitioner

.Vs.

1.The District Collector,
Coimbatore District.

2.The Executive Officer,
III Grade Municipality,
Coimbatore.

3.The Tahsildhar
Palladam,
Coimbatore District.

4.Padma Dakshayani

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the representation of the petitioner dated 04.08.2006, 11.08.2006, 06.11.2007, 31.12.2007 and 02.02.2008 and initiate action against the 4th respondent for the illegal construction and to demolish such unauthorised construction without permission.

For Petitioner : Mr.Rajnish Pathiyil

For Respondents : Mrs.K.Bhuvaneswari for R1 to R3
Additional Government Pleader
Mr.N.Manokaran for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representations of the petitioner dated 04.08.2006, 11.08.2006, 06.11.2007, 31.12.2007 and 02.02.2008 and to initiate action against the fourth respondent for the illegal

construction and to demolish such unauthorised construction without permission.

2.Heard both sides.

3.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice if a direction is issued to the concerned Authority to consider the representations of the petitioner dated 04.08.2006, 11.08.2006, 06.11.2007, 31.12.2007 and 02.02.2008, within the time stipulated.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 have no objection to consider the petitioner's representations in accordance with law.

5.The learned counsel appearing for the fourth respondent would submit that for the very same dispute, the petitioner has already filed a civil suit in O.S.No.146 of 2006 before the District Munsif Court, Palladam and made a representation as if the fourth respondent tried to encroach the petitioner's property. When the civil suit is pending before the competent civil Court, the Official respondents have no power to interfere with the dispute.

6.Perusal of the petitioner's representation dated 02.02.2008 reveal that the petitioner has already filed a civil suit in O.S.No.146 of 2006 before the District Munsif Court, Palladam. Hence, making representation to the Official respondents for the very same issue does not arise

7.In view of the above, the writ petition is liable to be dismissed and the same is dismissed. However, this will not stand on the way of the petitioner to pursue her remedy before the competent civil Court. If the competent civil Court pass any order, based on that the petitioner is granted liberty to work out the remedy before the competent forum. No costs. Consequently, connected miscellaneous petition, if any, is also closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Coimbatore District.

2.The Executive Officer,
III Grade Municipality,
Coimbatore.

3.The Tahsildhar
Palladam,
Coimbatore District.

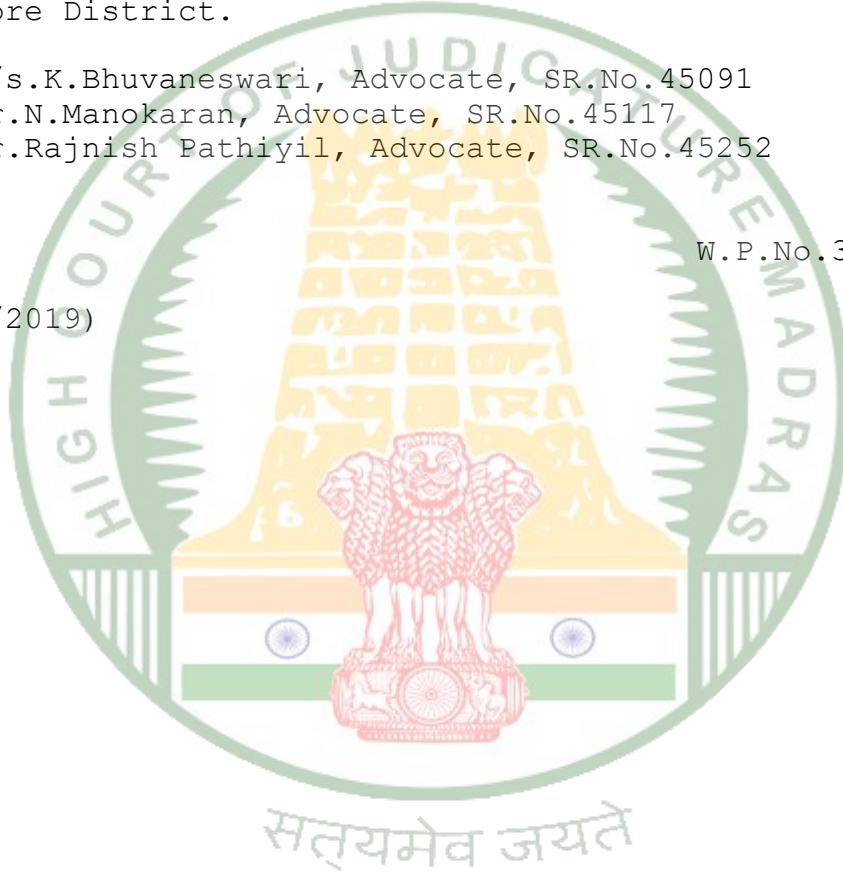
+1cc to M/s.K.Bhuvaneswari, Advocate, SR.No.45091

+1cc to Mr.N.Manokaran, Advocate, SR.No.45117

+1cc to Mr.Rajnish Pathiyil, Advocate, SR.No.45252

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Kak(22/07/2019)



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