

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 18.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.7303 of 2016
and
W.M.P.No.6483 of 2016

Maddimchetty Brundaveni

.. Petitioner

Vs.

- 1.The Director of Local Administration (DLA),
The Union Territory of Puducherry,
Puducherry.
- 2.The Commissioner,
Yanam Municipality,
- 3.The Executive Engineer,
Public Works Department, Yanam.
- 4.The Director,
The Directorate of Survey & Land Records,
Office of the Revenue, Survey & Settlement,
Puducherry Union Territory.
- 5.The Tahsildar,
Revenue & Land Records,
Sub-Taluk Office,
Revenue Department,
Puducherry Union Territory,
Yanam - 533 464.
- 6.Bhavanarushi Temple,
D.No.7-9-011,
Yerragunta Street,
Yanam - 533 464.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd and 6th respondents from investing and making any construction in the petitioner's land situated in T.S.No.B/24/4 (T.S.No.B/24/3) measuring an extent of 201 square meters of the vacant land situated at Yerragunta Street, Yanam.

For Petitioner : Ms.Usha Ramman

For RR1 to 5 : Mr.Stalin Abhimanyu

Additional Government Pleader (Pondy)

O R D E R

The prayer sought for in the writ petition is for a mandamus forbearing the second and sixth respondents, who are the Commissioner of Yanam Municipality and Bhavanarushi Temple, Yanam from investing and making any construction in the petitioner's vacant land situate in T.S.No.B/24/4 an extent of 201 square meters.

2. Heard both sides.

3. It appears from the records that the petitioner had filed a suit in O.S.No.98 of 2015 on the file of the Sub Court, Yanam for declaration that he is the absolute owner of the plaint property and for permanent injunction. The said suit is filed against the sixth respondent-temple and the fifth respondent-Tahsildar herein. It is now stated that the said suit was dismissed for default long back and not restored till today.

4. The prayer that is sought for in the writ petition is of civil nature and though the petitioner has rightly proceeded with by filing a civil suit, independent of the same, she filed the instant writ petition seeking a mandamus. As the remedy sought for by the petitioner is civil nature, she can work out her remedy in the manner known to law before the appropriate forum.

5. As the writ petition is not maintainable, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Director of Local Administration (DLA),
The Union Territory of Puducherry,
Puducherry.

2.The Commissioner,
Yanam Municipality,

3.The Executive Engineer,
Public Works Department,
Yanam.

4.The Director,
The Directorate of Survey & Land Records,
Office of the Revenue, Survey & Settlement,
Puducherry Union Territory.

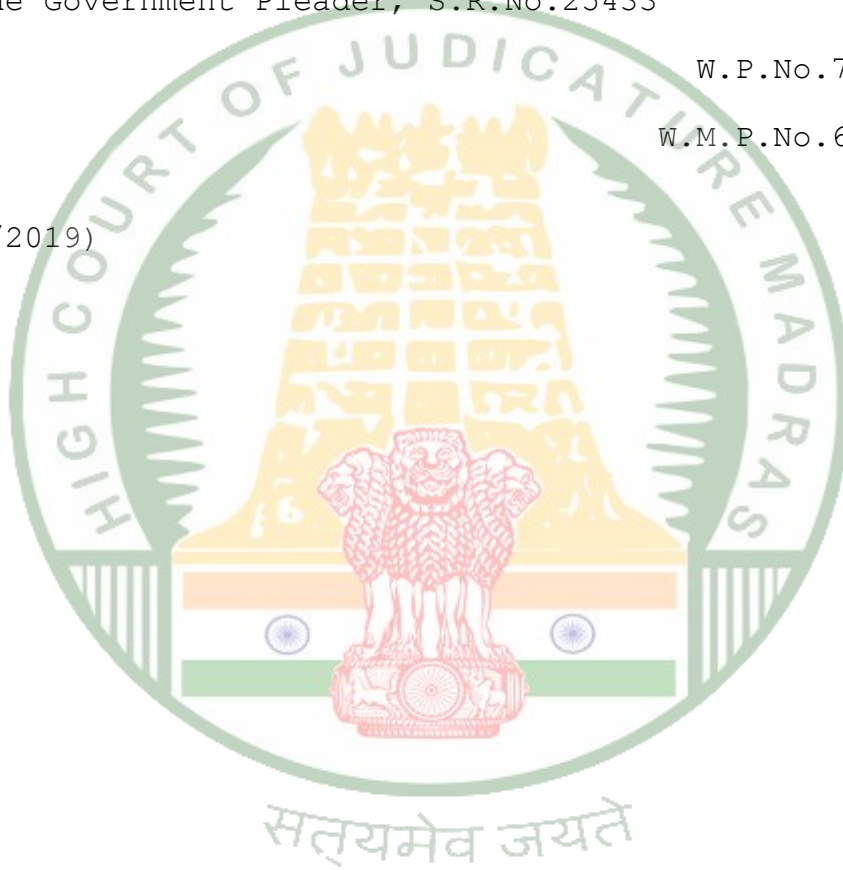
5.The Tahsildar,
Revenue & Land Records,
Sub-Taluk Office,
Revenue Department,
Puducherry Union Territory,
Yanam - 533 464.

+1cc to the Government Pleader, S.R.No.25433

W.P.No.7303 of 2016
and
W.M.P.No.6483 of 2016

VJ-II (CO)

RRS (03/05/2019)



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