

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.31584 of 2019

V.Elango

... Petitioner

vs.

1. The District Collector,
O/o.The District Collector,
Namakkal District,
Namakkal.

2. The Commissioner,
Namakkal Municipality,
Namakkal Taluk,
Namakkal District.

3. Latha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the 1st and 2nd Respondents herein to demolish the illegally constructed septic tank constructed in old S.No.39/1B1 corresponding to new S.No.39/24, bearing Patta No.4875, Rakhi Nagar, Namakkal Town, Namakkal District, by the third Respondent herein within a stipulated time and consequently forbear the Respondent herein from further constructing any new septic tank within 50 feet from the Petitioner's well situated in S.No.490/1 corresponding to T.S.No.195, 23rd Block, D Ward, Co-operative Colony, Namakkal Town, Namakkal District.

For Petitioner : Mr.L.Chandrakumar,
for Mr.V.P.K.Gowtham

For 1st Respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For 2nd Respondent : Mr.V.C.Selvasekaran

O R D E R
(Order of the Court made by M.M.SUNDRESH, J.)

The Petitioner seeks a direction in this Writ Petition to the Respondents 1 and 2 to demolish the construction put up by the 3rd Respondent, on the ground that, it has been constructed illegally.

2. On the last occasion, when the matter was taken up, this Court passed the following order:

"After some arguments, the learned counsel for the Petitioner seeks time to get instructions for withdrawing the Suit in O.S.No.220 of 2018 filed against the private Respondent, on the file of the Court of District Munsif at Namakkal, which is almost for the same relief. ..."

3. Learned counsel for the Petitioner submitted that it would be suffice if the Interim Application in I.A.No.549 of 2018 in O.S.No.220 of 2018 on the file of the District Munsif Court, Namakkal, is directed to be disposed of within a reasonable time.

4. Considering the said submissions, we direct the District Munsif Court, Namakkal, to dispose of the Interim Application in I.A.No.549 of 2018 in O.S.No.220 of 2018, within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.31791 of 2019 is closed.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
O/o.The District Collector,
Namakkal District, Namakkal.

2. The Commissioner,
Namakkal Municipality,
Namakkal Taluk, Namakkal District.

3. The District Munsif Court,
Namakkal, Namakkal District.

+1cc to Mr.V.P.K.Gowtham, Advocate, S.R.No.95817

+1cc to Government Pleader, Sr.No.96013

W.P.No.31584 of 2019

GMR (CO)
CS/31/12/2019



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