



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 11119 of 2019

and

W.M.P. (MD) No. 8480 of 2019

Sri Sanguvinayagar Temple,
Manamadurai,

through its trustee E.A.S.S.N. Navaneethakrishan,
47, West Avani Moola Street, Madurai.

... Petitioner

Vs.

1. The State of Tamilnadu,
represented by the District Collector,
Sivagangai.

2. The Executive Officer,
Selection Grade Town Panchayath,
Manamadurai-630 606,
Sivagangai District.

3. The District Medical Officer,
District Head Quarters Hospital,
Sivagangai.

4. Joint Director, Medical Services & Family Welfare,
Sivagangai General Hospital,
Sivagangai.

5. Chief Medical Officer,
Government Hospital,
Manamadurai.

6. Tahsildar,
Manamadurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 07.03.2019 and thereby, not putting up any constructions in S.No.43/9, K.K.Pallam Village, Manamadurai Taluk, pending S.A.(MD) No.625 of 2009 on the file of this Court.

For Petitioner
For R1, R3 to R6

:Mr.S.Manohar

:Mr.K.MU.Muthu

Additional Government Pleader

For R2

:Mr.N.Shanmugaselvam

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. It is seen that there is a civil dispute between the petitioner and the respondents. The matter is presently pending before this Bench in S.A.No.625 of 2009.

3. The learned counsel appearing for the petitioner states that all these years, there has been no issue and that is why, the petitioner did not deem it necessary to pray for any interim order in the second appeal. But now, construction has started. Therefore, he is constrained to file this writ petition.

4. I am of the view that when the second appeal is already pending between the parties, it is not open to this Court to grant any relief to the writ petitioner parallelly. Therefore, the writ petition is closed giving liberty to the writ petitioner to set out the subsequent developments before the first vacation Court. The respondents shall maintain the status quo till 10.05.2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Sivagangai.

2. The Executive Officer,
Selection Grade Town Panchayath,
Manamadurai-630 606,
Sivagangai District.

3. The District Medical Officer,
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Sivagangai.

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Sivagangai General Hospital,



5.Chief Medical Officer,
Government Hospital,
Manamadurai.

6.Tahsildar,
Manamadurai.

+1 CC to M/s.S.MANO HAR, Advocate (SR-64615[F] dated 30/04/2019)

+1 CC to M/s.SPL GP (SR-65260[F] dated 03/05/2019)

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DS/ /SAR- (03.05.2019) 3P 9C