



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.12.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.12198 of 2015

and

M.P.(MD)No.1 of 2015

WEB COPY

M.Krishnamoorthy

... Petitioner

vs.

1.The District Collector,
Madurai District.

2.The Block Development Officer,
Thirumangalam Union, Thirumangalam.

3.The Executive Officer,
Uchapatti Panchayat Union,
Uchapatti, Thirumangalam Taluk,
Madurai District.

4.The President,
Uchapatti Panchayat Union,
Uchapatti, Thirumangalam Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 not to put up any construction in the village Natham Bearing Survey No.45/1 of Uchapatti Village, Thirumangalam, Madurai District.

For Petitioner : Ms.N.Juliet Lath

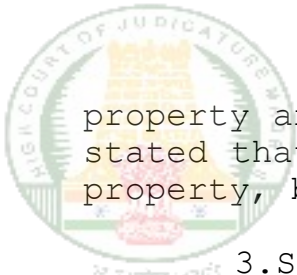
For Respondents: Mr.C.Ramar

Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus, to direct the respondents not to put up any construction in the Village Natham bearing S.No.45/1 of Uchapatti Panchayat Union.

2.It is stated by the petitioner that his father, Thiru.Muthiah Naicker had purchased the property bearing S.No.79/1 (34 cents out of total extent of 69 cents) through registered sale deed, dated 21.09.1987. It is further stated that the petitioner has constructed a residential building on the northern side of the



property and residing there with his family members. It is further stated that the respondents 1 to 4 have no manner of right over the property, bearing S.No.45/1, which is classified as Village Natham.

3.Since the property in S.No.45/1 is registered as a Village Natham and this property is also required for the convenient enjoyment of the petitioner, it appears that the petitioner has filed a suit for permanent injunction against the respondents in O.S.No.150 of 2015 on the file of the District Munsif, Thirumangalam. Since the Civil Court has not granted any interim injunction and only notice was issued, the present Writ Petition came to be filed. The interlocutory application is filed for a similar prayer, that is sought for in this Writ Petition. After filing the suit, the petitioner cannot seek parallel remedy before this Court.

4.Having regard to the nature of prayer that is sought for by the petitioner in the present Writ Petition, it is for the petitioner to approach the Civil Court by way of interlocutory application in the pending suit. Merely because, the Civil Court has not granted any interim order, that is not a reason for this Court to entertain the present Writ Petition. Hence, this Writ Petition is dismissed giving liberty to the petitioner to pursue his remedy before the Civil Court for appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Madurai District.

2.The Block Development Officer,
Thirumangalam Union, Thirumangalam.

3.The Executive Officer,
Uchapatti Panchayat Union,
Uchapatti, Thirumangalam Taluk,
Madurai District.

+1 CC to SPL GP (SR-103105[F] dated 03/12/2019)

+1 CC to MR.R.NARAYANAN, Advocate (SR-103191[F] dated 03/12/2019)

W.P. (MD) No.12198 of 2015

02.12.2019