

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.13549 of 2020
and
W.M.P.No.16796 of 2020

K.Senthilkumaran

...Petitioner

Vs.

1. The Commissioner of Municipality,
No.1, Hospital Road,
Vedaranyam - 614 813.

2. The Tahsildhar,
Vedaranyam Road,
Vedaranyam - 614 813.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents herein from putting a road by closing the drainage in S. Nos.670/1, 671/1, 672/1, 673/1, 674/1, 675/1 at Mudhaliyarthoppu, Vedharanyam District.

For Petitioner : Mr.K.Jayaraman
For Respondents: Mr.Annai Ezhil
Government Advocate

O R D E R

This writ petition has been filed for issuance of a writ of mandamus forbearing the respondents from closing the drainage that is in existence in the subject property.

2.Heard Mr.K.Jayaraman, learned counsel for the petitioner and Mr.Annai Ezhil, learned Government Advocate, appearing on behalf of the respondents.

3.It is seen from records that the petitioner has also filed a suit in O.S.No.79 of 2019 before the District Munsif-cum-Judicial Magistrate Court, Vedharanyam and the said suit is pending. The issue involved in the present writ petition is also pending before the civil Court. Therefore, it will be fit and proper for the petitioner to pursue the remedy before the civil Court and not to parallelly initiate proceedings before

this Court by filing a writ petition. If the respondents are carrying on with any work pending disposal of the suit, it is always open to the petitioner to file an appropriate interim application before the concerned Court and seek further relief. Except giving this liberty, no further orders can be passed in this writ petition.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Municipality,
No.1, Hospital Road,
Vedaranyam - 614 813.
2. The Tahsildar,
Vedaranyam Road,
Vedaranyam - 614 813.

+1cc to the Government Pleader in SR.NO..32161

W.P.No.13549 of 2020

CP(CO)
RV(13/10/2020)