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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.6899 of 2020

and

W.M.P. (MD)No.6325 of 2020

Meenakshi

... Petitioner

Vs.

1.The Paganur Village Panchayat,
Rep by its President,
Maninkandan Panchayat Union,
Srirangam Taluk,
Trichy District.

2.The Bharat Petroleum Corporation Ltd.,
Rep by its Regional Manager,
SRO-Head Office, No.29, 2nd Avenue AE Block,
Anna Nagar, Chennai-40.

3.The Bharat Petroleum Corporation Ltd.,
Rep by its LPG-Territory Manager,
MGM TB Sanatorium P.O.,
Sengipathi (Via), Thanjavur-613 401.

4.Brinda

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from locating a LPG cylinder storage facility at S.No.152/2B2, Paganur Village Panchayat, Manikandam Panchayat Union, Srirangam Taluk, Trichy District as per the planning permission granted by the first respondent in No.3/2020 dated 17.02.2020.

For Petitioner: Mr.G.Jeremiah

For R1 : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

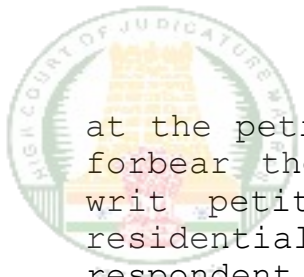
For R2 & R3 : Mr.R.Aravindan

For R4 : Mr.R.Subramanian

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Counsel appearing for the respondents.

2. The petitioner is none other than the sister of the fourth respondent's husband. The fourth respondent's husband died within 26 days from the date of marriage. The fourth respondent was allotted LPG distributorship by the Bharath Petroleum Corporation Limited. The fourth respondent has constructed LPG cylinder storage facility



at the petition mentioned land. The petitioner wants this Court to forbear the respondents from locating the same. The stand of the writ petitioner is that after obtaining permission to put up residential building in the petition mentioned cite, the fourth respondent put up the commercial godown.

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3. The learned counsel for the fourth respondent draws my attention to the answer given by the Information Officer, which does not support the stand taken by the petitioner in paragraph 16 of the affidavit filed in support of the writ petition. Even according to the petitioner, the subject matter is pending in O.S.No.99 of 2016 before the Jurisdictional Court.

4. When the petitioner had already initiated civil proceedings for enforcing the right against the fourth respondent, the petitioner cannot file a parallel writ petition. There is no public law element in this proceedings. It is essentially a private issue between the writ petitioner and the fourth respondent. Therefore, I am of the view that the very institution of the writ petition is totally misconceived. Accordingly, this writ petition is dismissed. I make it clear that I have not gone into the merits of the matter. The rights of the parties will abide by the outcome of the suit proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Paganur Village Panchayat,
Rep by its President,
Maninkandan Panchayat Union,
Srirangam Taluk,
Trichy District.

W.P. (MD)No.6899 of 2020

04.08.2020

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