



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 7704 of 2020 and
W.M.P. (MD) No. 7191 of 2020

D. Pounraj

... Petitioner

Vs.

1. The Director,
The Directorate of Town & Country Planning,
Anna Salai, Chennai.
2. The Assistant Director,
Town & Country Planning Department,
Madurai Region, Madurai.
3. The Executive Officer,
Genguvarpatti Town Panchayat,
Theni District.
4. M/s. Solitaire BTN Solar Private Ltd.,
Office at Genguvarpatti Village,
Periyakulam Taluk,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the fourth respondent who is illegally doing non-agricultural activities in the agricultural lands in Survey Nos. 2871/1, 2833/2 and Survey Nos. 2619 to 2680 in Genguvarpatti Village, Periyakulam Taluk, Theni District based upon the petitioner's representation dated 26.05.2020 within the time stipulated by this Court.

For Petitioners : Mr. K. Sudalaiyandi

For R-4 : Mr. Sugumar

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the fourth respondent.



2. Notice to respondents 1 to 3 is dispensed with.

3. The petitioner wants action to be taken against the fourth respondent herein. According to the petitioner, the fourth respondent is doing non-agricultural activities in the petition mentioned survey numbers which are said to be agricultural in character. The petitioner's specific allegation is that the fourth respondent has not obtained prior permission for doing so.

4. It is seen that the petitioner had already filed two civil suits in O.S.No.19 of 2016 and O.S.No.161 of 2018 on the file of the Sub Court, Periyakulam, Theni District and that they are still pending.

5. The learned counsel appearing for the fourth respondent draws my attention to the conduct of the petitioner. He would state that the petitioner had earlier filed original petitions as well as writ petitions before this Court and that he is engaged in filing successive petitions against the fourth respondent for *mala fide* reasons.

6. Be that as it may, I am of the view that in view of the institution of the civil suits, the petitioner has to necessarily pursue his remedies only before the civil Court. Filing this writ petition before this Court does not appear to be appropriate. Therefore, the learned Sub Judge, Periyakulam, Theni District, is directed to dispose of both the suits filed by the petitioner herein on merits and in accordance with law within a period of six months. The period of six months will start from the date when the lock down is totally lifted by the State Government.

7. I make it clear that I have not gone into the rival claims or merits of the matter. They are entirely left open.

8. With this direction to the Court below to expedite the disposal of both the suits filed by the petitioner, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

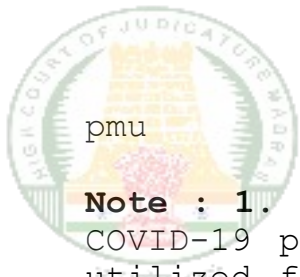
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : 1. 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:

1. The Sub Judge,
Periyakulam, Theni District.
2. The Director,
The Directorate of Town & Country Planning,
Anna Salai, Chennai.
3. The Assistant Director,
Town & Country Planning Department,
Madurai Region, Madurai.
4. The Executive Officer,
Genguvarpatti Town Panchayat, Theni District.

W.P. (MD) No. 7704 of 2020

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NR (21/07/2020) 3P 5C