



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No.12643 of 2015

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

WEB COPY

B.Jeyaraman

... Petitioner

Vs.

1.The Director of Town Panchayat,
Kuralagam, Chennai.2.The District Collector,
Theni District.3.The Executive Officer,
Meenakshipuram Town Panchayat,
Meenakshipuram,
Bodinayakkanur Taluk,
Theni District.

4.S.Chandramani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to demolish the building illegally constructed by the fourth respondent in the petitioner's property, comprised in S.No.300/2, in B.Meenakshipuram village in Bodinayakkanur Taluk in Theni District, by disposing the petitioner's representation dated 29.06.2015.

For Petitioner
For R1 to R3: Mr.R.Suriya Narayanan
: Mr.A.Thiyagarajan,
Government Advocate.**ORDER**

This writ petition has been filed to direct the third respondent to demolish the building illegally constructed by the fourth respondent in the petitioner's property, comprised in S.No.300/2, in B.Meenakshipuram village in Bodinayakkanur Taluk in Theni District.

2.The case of the petitioner is that the fourth respondent entered into a sale agreement with the petitioner and that the disputed property was handed over to the fourth respondent, pursuant to the sale agreement. Since the fourth respondent has not come forward to complete the sale transaction, a notice was issued to the fourth respondent by the petitioner to hand over the property to the fourth respondent and to get back the advance paid by the fourth respondent. Despite the fact that the petitioner re-paid the money, the fourth respondent refused to surrender the possession of the property.



3.It is admitted that a suit was also filed for declaration and recovery of possession in O.S.No.171 of 2011 on the file of the District Munsif, Bodinayakkanur. It is also admitted that no suit for specific performance was filed by the fourth respondent.

4.The petitioner has already approached the Civil Court for declaration of title and for recovery of possession in O.S.No.171 of 2011 on the file of the District Munsif, Bodinayakkanur. In such circumstances, it is unnecessary to entertain this writ petition, which is for issuing a direction to demolish the building illegally constructed by the fourth respondent in the property.

5.Giving liberty to the petitioner to workout his remedy in the pending suit, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The Director of Town Panchayat,
Kuralagam, Chennai.

2.The District Collector,
Theni District.

3.The Executive Officer,
Meenakshipuram Town Panchayat,
Meenakshipuram,Bodinayakkanur Taluk,
Theni District.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-2269[F]

+1 CC to M/s.SPL.GP (SR-2338[F] dated 22/01/2020)

W.P. (MD) No.12643 of 2015
21.01.2020

SMA/07/02/2020/2P/6C