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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19707 of 2015 &
M.P. No.1 of 2015

K.Periyasamy

... Petitioner

Vs

1. The District Collector,
Namakkal District.
2. The Block Development Officer,
Elachipalayam Panchayat Union,
Thiruchengode Taluk
Namakkal District.
3. The President
Musiri Village Panchayat,
Elachipalayam Panchayat Union,
Thiruchengode Taluk
Namakkal District.
4. M. Murugesan,
5. Pappathi
6. Deepa
7. R. Prabhu
8. P. Natesa Chettiar
9. Palanivel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to take appropriate action in pursuance of the resolutions passed by the 3rd respondent dated 06.02.2015 and 01.05.2015 so as to stop the illegal and unauthorized extraction of ground water.

For Petitioner : No Appearance
For Respondent : Mr. Stalin Abhimanyu
Government Advocate for R1 to R3
Mr. Valliappan for R7



ORDER

The petitioner has come up with this writ petition to issue a mandamus directing the first and second respondents to take action in pursuance of the resolutions passed by the 3rd respondent dated 06.02.2015 and 01.05.2015 so as to stop the illegal and unauthorized extraction of ground water taken by the respondents 4 to 9.

2.Today when the matter is taken up for hearing, there is no representation for the petitioner either in person or through his learned counsel.

3.On the other hand, the learned counsel appearing for the seventh respondent submitted that the seventh respondent filed a suit in O.S.No.107 of 2015 before the District Munsif Court, Thiruchengode, in respect of the issue involved herein and obtained an order of interim injunction. He further submitted that the said suit is pending.

4.In view of the above submission made by the learned counsel for the seventh respondent, this Court is of the view that the relief sought in this writ petition cannot be granted to the petitioner, however, it is open to him to agitate his right before the civil court, where the suit is pending. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C0)

// True Copy //

Sub Assistant Registrar

msr

To

1. The District Collector,
Namakkal District.
2. The Block Development Officer,
Elachipalayam Panchayat Union,
Thiruchengode Taluk
Namakkal District.



3. The President
Musiri Village Panchayat,
Elachipalayam Panchayat Union,
Thiruchengode Taluk
Namakkal District.

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+1CC to The Government Pleader, SR.No. 46529

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SV I(CO)
B.VC (01/10/2021)