



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.5709 of 2012

and

M.P. (MD) .No.1 of 2012

Arivuchelavan

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.
2. The Tahsildar,
Andipatti Taluk, Theni District.
3. The President,
Dimmarasanaickanoor Village Panchayat,
Andipatti, Theni District.

4. Alagumuthu

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from laying pathway on the Sillodai Water Channel, passing through S.No.589/1, 589/2 and 587, Dimmarasanayakanur village, D.Pomminaickenpatti, Andipatti Taluk, in order to laying pathway, by of obliterating the said Sillodai Water Channel, pending disposal of the Writ Petition.

For Petitioner

: Mr.S.Balamurugan

For R-1 to R-3

: Mr.P.Mahendran

Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a writ of Mandamus forbearing the respondents from laying the pathway on the water channel, which is said to be the source of irrigation.

2. When the matter was admitted in the year 2012, this Court took into consideration the suit pending in O.S,No.130 of 2009, before the District Munsif, Andipatty and also the Commissioner report that was filed in the said suit and granted an order of interim injunction. The order of interim injunction is in force till date.



3. Heard Mr.S.Balamurugan, learned counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

4. Taking into consideration the facts and circumstances of the case and also of the fact that a substantial suit has already been filed before the competent Civil Court touching upon the same issue, it is left open to the parties to raise all the issues before the competent Civil Court and the same will be considered on its own merits and in accordance with law.

5. The interim order granted by this Court shall continue and it will be subject to the final result of the suit in O.S.No.130 of 2009.

6. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Collector, Theni District, Theni.
2. The Tahsildar, Andipatti Taluk, Theni District.
3. The President, Dimmarasanaickanoor Village Panchayat, Andipatti, Theni District.

+1 CC to M/s.S.BALAMURUGAN, Advocate(SR-17211[F] dated 23/04/2021)
+1 CC to M/s.SPL GP (SR-17389[F] dated 23/04/2021)

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.

Order made in

W.P. (MD) .No.5709 of 2012

22.04.2021