



WEB COPY

W.P.(MD)No.1513 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.1513 of 2021

and W.M.P(MD) No.1298 of 2021

(Through Video Conferencing)

D.Shanthi

: Petitioner

Vs.

1.The District Collector
Tenkasi District,
Tenkasi.

2.The Regional Director of Municipalities,
Palayamkottai
Tirunelveli
Tirunelveli District.

3.The Commissioner
Sankarankovil Municipality
Tenkasi

4.Maruthaia Pandian

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 3 to stop by taking legal action against the 4th respondent, for constructing without plan approval under Town and Country Planning Authority Act and Tamil Nadu District Municipalities Act and Rules for the construction of a house building in a site in S.No.149/6 in New Ward No.27 in Sankarankovil Municipality limits in Tenkasi District.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.K.P.Krishnadoss

Special Government Pleader for R1 & R2

Mr.P.Mahendran for R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner filed a suit in O.S.No163/2020 against the respondent No.4 for declaration and permanent injunction. During the pendency of the suit, the petitioner made a representation to the respondent Nos.1 and 3 on 04.01.2021 and 11.01.2021 to take action against the respondent No.4, as the construction put up by him is unauthorized.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The learned counsel for the petitioner submitted that the construction being unauthorized, consequential action is required.

3.We are not inclined to entertain this writ petition, as the petitioner has already approached the civil Court over the same property against the respondent No.4 claiming title and the remedy open to the petitioner is to make the respondents 1 to 3, as party defendants in the said suit and seek appropriate amendment. Accordingly the writ petition is dismissed. However, liberty is given to the petitioner to implead the respondents 1 to 3 herein as party defendants in the pending suit. Further liberty is also given to seek amendment of the prayer made. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

1.The District Collector
Tenkasi District,
Tenkasi.

2.The Regional Director of Municipalities,
Palayamkottai
Tirunelveli
Tirunelveli District.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-2541[F] dated 01/02/2021)

+1 CC to M/s.GP (SR-2805[F] dated 02/02/2021)

Order made in
W.P. (MD)No.1513 of 2021
Dated: 01.02.2021

(MJ) CO
AP(11/02/2021) 2P 5C