



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P.(MD) No.7914 of 2021

and

WMP(MD) .No.6041 of 2021

J.Murugavalli

.. Petitioner

Vs

1. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

2. The Tahsildar,
Kodaikanal,
Dindigul District.

3. X.Vimala

4. D.Rajendran

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 1st respondent to take appropriate action and stop the illegal construction made by the respondents 3 and 4 in the petitioner's house site situated in T.S.No.8/8, Ward No.B, Block No.17, at Kodaikanal Municipality, Dindigul District, as per the provision contemplated under Section 217-J of Tamil Nadu District Municipalities Act, 1920.

For Petitioner

: Mr.J.Jeyakumaran

For respondents

: Mr.J.S.Mohammed Mohideen,
Standing Counsel,for R1
Mr.K.P.Krishnadoss,
Special Government Pleader
for R2



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The writ petitioner seeks for a direction upon the first respondent-Municipality to take appropriate action against the respondents 3 and 4 on the alleged ground that they are putting up illegal construction in the property in question.

2. As rightly pointed out by Mr.Mohammed Moideen, learned Standing Counsel appearing for the first respondent-Municipality, there is an *inter se* dispute between the petitioner and the respondents 3 and 4, which is now pending before the District Munsif Court, Kodaikanal, in O.S.No.19 of 2020. Therefore, the present writ petition at the instance of the writ petitioner for such a wider relief, much of which is already pending before the civil Court cannot be granted. Therefore, no positive direction can be granted as sought for by the writ petitioner.

3. However, taking into consideration that there is large scale unauthorized construction being put up in the Palani hills falling within the jurisdiction of the respondent-Municipality, we direct a surprise inspection be conducted by the Municipality in the land in question only to examine whether there is any unauthorized construction.

4. We make it clear that the *inter se* property dispute between the petitioner and the respondents 3 and 4 should be agitated only before the civil Court. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

2. The Tahsildar,
Kodaikanal,
Dindigul District.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-16086[F] dated
16/04/2021)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-16230[F] dated
17/04/2021)

+1 CC to M/s.SPL GP (SR-16327[F] dated 17/04/2021)

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