



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15558 of 2020

C.Siddarth

... Petitioner

Vs.

1.The Regional Assistant Director (DTCP),
Town and Country Planning Department,
Kulathupalaym, Karur,
Karur District.

2.M.Balusamy

3.P.Murugesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent that not to issue DTCP approval for Survey No.232/2, with respect to an extent of 6 acre 66 cents, Amur Village, Karur Taluk, until the disposal of O.S.No.581 of 2020 on the file of Sub Judge, Karur, based on the representation of the writ petitioner dated 15.09.2020.

For Petitioner : Mr.P.Muthuvijayapandia

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader for R1

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

2.The writ petitioner wants this Court to restrain the first respondent from granting approval in favour of the private respondents in respect of the petition mentioned lands. In fact, the final prayer sought in the writ petition is in the form of interim prayer. The petitioner states that he has already filed O.S.No.581 of 2020 on the file of the Sub Court, Karur against the private respondents and that till it is disposed of, the statutory authority must stay his hands. A writ petition containing such prayer is clearly not maintainable. The Hon'ble Supreme Court in the decision reported **AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)** held that Writ Court acting under Article 226 of the Constitution of India cannot issue direction in the nature of temporary injunctions.

3.That apart, the first respondent is a responsible statutory authority and this Court cannot assume that the first respondent



will not take note of the statutory position. As and when, the first respondent takes a decision, it is always open to the petitioner to challenge the same, if it is adverse to the petitioner's interest. There is no question of restraining the first respondent from exercising his or her statutory functions.

4. The writ petition has been prematurely filed and I do not find any ground to grant the relief sought for. The writ petition is dismissed. No costs.

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:

The Regional Assistant Director (DTCP),
Town and Country Planning Department,
Kulathupalaym, Karur,
Karur District.

+1 CC to M/s.SPL GP (SR-3170[F] dated 03/02/2021)

W.P (MD) No.15558 of 2020
02.02.2021

PK (CO)

KB (18.02.2021) 2P 3C