



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.20006 of 2020

and

W.M.P. (MD)No.16665 of 2020

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J.Bawa Jose

... Petitioner

Vs.

1.The District Collector,
Kanniyakumar District,
Nagercoil.

2.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanniyakumari District.

3.The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanniyakumari District.

4.The Joint Director of Health Services,
Asaripallam, Nagercoil,
Kanniyakumari District.

5.The Superintendent Engineer,
Public Work Department,
Nagercoil, Kanniyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 5th respondent from constructing the building in the vacant site of R.S.No.740/1, Anjugramam (Azhagappapuram) Village, Kanniyakumari District, which is situated on the southern side of the petitioner's property in R.S.No.739/12, Anjugramam (Azhagappapuram) Village, Kanniyakumari District, pending disposal of the suit in O.S.No.146 of 2019 on the file of the 1st Additional District Munsif Court, Nagercoil, Kanniyakumari District.

For Petitioner	:	Mr.Pragalathan.N
For Respondents	:	Mr.R.Murugan, Government Advocate.

O R D E R

Heard the learned counsel on either side.



2.The petitioner wants this Court to restrain the fifth respondent from putting up construction in the petition mentioned construction. It is fairly admitted by the writ petitioner himself that in this regard, O.S.No.146 of 2019 was filed before the I Additional District Munisf Court, Nagercoil.

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3.The prayer is for restraining the authorities from putting up construction till the disposal of the suit. In other words, the final prayer in the writ petition is by way of an interim relief. It is well settled that the final prayer in a writ petition cannot be in the form of an interim relief.

4.It is submitted by the learned Government Advocate that the injunction application in the civil suit has been dismissed.

5.Be that as it may, it is for the petitioner to pursue his civil remedies. The writ petition is clearly not maintainable. The writ petition is dismissed. I make it clear that I have not gone into the merits of the matter. The petitioner's rights are left fully open. The Civil Court is directed to expedite the suit proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.I Additional District Munisf, Nagercoil, Kanniyakumari District.
- 2.The District Collector,
Kanniyakumar District,
Nagercoil.
- 3.The Tahsildar,
Agasteeswaram Taluk,Nagercoil,Kanniyakumari District.

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



4.The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanniyakumari District.

5.The Joint Director of Health Services,
Asaripallam, Nagercoil,
Kanniyakumari District.

6.The Superintendent Engineer,
Public Work Department,
Nagercoil, Kanniyakumari District.

+1 CC to M/s.GP (SR-280[F] dated 06/01/2021)

W.P. (MD) No.20006 of 2020
05.01.2021

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AP(02/02/2021) 3P 8C