



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.14431 of 2022

R.Thangarasu

... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Executive Engineer,
Town Panchayat Office,
Gangavalli Town Panchayat,
Salem District.
3. P.Manjula

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, forbearing the first and second respondents from in any manner granting planning permission for the formation of the residential layout by the third respondent in respect of sub-divided lands, comprised in Survey No.176/1A, Gangavalli, Salem District and considering the petitioner's representation dated 16.05.2022.

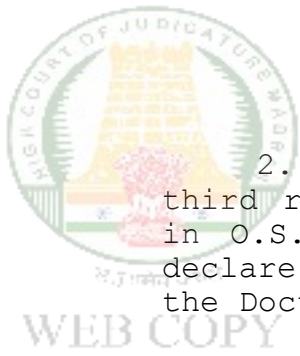
For Petitioner : Mr.E.C.Ramesh

For Respondents:

For R1 : Mr.M.Shahjahan
Special Government Pleader
For R2 : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the first respondent and Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the second respondent.



2. There is a private dispute between the petitioner and the third respondent. The petitioner appears to have filed a suit in O.S.No.45 of 2022 before the Subordinate Judge, Attur, to declare the petitioner as the owner of the property by invoking the Doctrine of adverse possession.

3. The petitioner is now seeking for issuance of a Mandamus, to forbear the first and second respondents from in any manner granting planning permission to the third respondent from forming residential layout in respect of the land in dispute. It is evident that the petitioner has filed the suit in O.S.No.45 of 2022. As the petitioner has not secured any interim order from the Trial Court, the petitioner has filed this writ petition. Hence, there is no merits in this writ petition.

4. The petitioner is directed to workout his remedy before the Trial Court after establishing his right over the property. This Writ Petition is therefore dismissed with the above observations.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

arb

To

1. The District Collector,
Salem District, Salem.
2. The Executive Engineer,
Town Panchayat Office,
Gangavalli Town Panchayat,
Salem District.

+lcc to Mr.E.C.Ramesh, Advocate, S.R.No.34032
+lcc to the Government Pleader, S.R.No.35096

W.P.No.14431 of 2022

BR[co]
NSK/27/06/2022