



WEB COPY



W.P.No.11382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11382 of 2023

M.Shanmugam

... Petitioner

-Vs-

1.Assistant Director of Rural Development
(Panchayat), Namakkal District.

2.The Block Development Officer
Pallipalaiyam Locality
Namakkal District.

3.C.Nandhakumar

4.P.Rajamanikkam

5.E.Sasikala

6.E.Deepakraja

7.Gowsalyadevi

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 01.08.2022 forwarded by the 1st respondent in Na.Ka.No.953/2020/U.Ni.5 dated 12.08.2022 within the prescribed period.



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For Petitioner	Mr.P.Sesubalan Raja
For Respondents	Mr.R.Kumaravel Additional Government Pleader for R1 Mr.G.Velu Additional Government Pleader for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner on 01.08.2022 and to take action within the time limit prescribed by this Court.

2.Heard Mr.P.Sesubalan Raja, learned counsel for the petitioner, Mr.R.Kumaravel, learned Additional Government Pleader for R1 and Mr.G.Velu, learned Additional Government Pleader for R2

3.The grievance of the petitioner is that the private respondents deployed their men and destroyed their cart track formed by the Panchayat by using JCB machines. According to the petitioner, even though he is pursuing a civil remedy as against the private respondents in a suit in O.S.No.30/2022, which is pending before the District Munsif Court at Komarapalaiyam, the present writ petition has been filed for the limited purpose of directing the official respondents to take action against the private respondents for having destroyed the cart track formed by the Panchayat.



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4.In the considered view of this Court, the petitioner has already instituted a suit along with one Sekar as against the private respondents pertaining to the very same cart tack and the same is pending on the file of the District Munsif Court, Komarapalaiyam in O.S.No.30/2022. It is also seen from records that an application was filed in IA.No.2/2022, pending the suit seeking for the relief of permanent injunction and the Trial Court has passed an order on 01.02.2023, directing the parties to maintain *status quo* pending disposal of the suit. In view of the same, this Court is not inclined to permit the petitioner to prosecute this writ petition parallelly for the very same dispute. If at all any damage has been done by the private respondents with regard to the cart track formed by the Panchayat, it is for the official respondents to take action and it is not necessary for this Court to issue any directions in this regard. If this Court issues any positive direction, it will have a bearing in the pending suit. Hence, this Court is not inclined to entertain this writ petition.

5.In the result, this writ petition stands dismissed. No costs.

13.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No



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N.ANAND VENKATESH, J.

KP

To

- 1.Assistant Director of Rural Development
(Panchayat)
Namakkal District.
- 2.The Block Development Officer
Pallipalaiyam Locality
Namakkal District.

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