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W.P.No.14281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.14281 of 2023
and W.M.P.No.13803 of 2023

S.Nikila Devi

.... Petitioner

-Vs-

- 1 The Additional Chief Secretary
Government of Tamil Nadu Secretariat
Fort St. George Chennai 600 009.
- 2 The Director of Municipal Administration
Municipal Administration and
Water Supply (MA.IV) Department No.78
Urban Administrative Building Santhome High
Road Chennai 600 028.
- 3 The Principal Secretary
The Housing and Urban Development Department
Secretariat Fort St. George Chennai 600 009.
- 4 The Commissioner of Land Administration
Land Administration Department, 2nd Floor
Ezhilagam, Chepauk, Chennai 600005.
- 5 The District Collector
Thiruvallur District 602001.
- 6 The Commissioner
Survey and Settlement Survey Houser
Chepauk Chennai 600 005.
- 7 The Thasildahr



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Thiruvallur 602001.

- 8 M/s.Indian Bank
Self Employment Training Institute (INDSETI)
Rep. by its Director No.12/13
Ekkadu Road (Old S.P.Office) Thiruvallur
602 001.
- 9 The Commissioner
Thiruvallur Municipality Thiruvallur. (R9
IMPLEADED VIDE ORDER DT 07.06.2023 MADE IN
WMP.15738/2023 IN WP.14281/2023 BY NAVJ)

.... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents to 1 to 5 their men, Subordinates, or agents from putting up construction of new bus stand over the extent of 5.00 acres in S.No.122/5 of Vedanginallur Village, Thiruvallur Taluk District being the lands belonging to the writ petitioner and also the subject matter of Survey and Settlement proceedings.

For Petitioner	:	Mr.S.Rajasekar for Ms.R.Ragini
For Respondents	:	Mrs.S.Mythreye Chandru Special Government Pleader – for R1 to R7 Mr.P.Srinivas Standing Counsel – for R9

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus forbearing the respondents from putting up any construction in the property situated at S.No.122/5 of Vedanginallur Village, Thiruvallur District measuring an extent of 5 acres.



2. In the considered view of this Court, the petitioner has already filed a substantial writ petition which is pending in W.P.No.20773 of 2019. In the said writ petition, the very right that is claimed by the petitioner is in question. The grievance of the petitioner is that when this writ petition is pending, attempts are being made to put up construction of a new bus stand. That does not give a cause of action for the petitioner to maintain a fresh writ petition before this Court.

3. The Apex Court in **Kala Bharati Advertising -vs- Hemant Vimalnath Narichnia** reported in **(2010) 9 SCC 437** has held that the forum of writ court cannot be used for the purpose of securing an interim relief, where the final relief is pending before the competent forum. This judgment was subsequently followed by this Court in **P.Rajeswari -vs- Inspector General of Registration and Another** reported in **(2011) 3 MLJ 523**.

4. The petitioner had already filed a writ petition, wherein the right claimed by the petitioner has to be decided. If in the meantime, any urgent interim orders are to be secured to safeguard the interest of the petitioner, an application / petition has to be filed in the pending writ petition and a fresh writ petition can never be entertained. The judgments stated supra will squarely cover the present case.



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5. In the light of the above discussion, it is left open to the petitioner to move an appropriate petition in the pending writ petition in W.P.No.20773 of 2019. Except giving this clarity, there is no ground to keep this writ petition pending. In the result, the writ petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

15.06.2023

Index : Yes/No
Neutral Citation: Yes/No
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N.ANAND VENKATESH, J.

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