



WP No.20396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.20396 of 2023
and WMP No.19756 of 2023

K.Shanmugavel Mudaliar

.. Petitioner

-VS-

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj
Department, Secretariat, Chennai.
2. The District Collector,
Chengalpet District.
3. The Tahsildar,
Pallavaram Taluk,
Chrompet, Chennai 600 044.
4. The Block Development Officer,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai.
5. The President,
Pozhichalur Village Panchayat,
Pozhichalur, Chennai 600 074.
6. The State of Tamilnadu,
Rep. by its Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai 600 009.



WP No.20396 of 2023

7. Tamil Nadu Electricity Board,
Rep. by its Chairman,
Anna Salai, Chennai 600 002.

8. The Inspector of Police,
T4 Sankar Nagar Police,
Sankar Nagar, Pammal,
Chennai 600 075.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents and their subordinates from encroaching upon and carrying on any construction or any other work in the properties owned by the petitioner and comprised in Survey Nos.210/1, 2, 3, S.No.99/1, S.Nos.47/1, 2A 4, 5, S.Nos.90, 128, 129 and other lands in various survey numbers as per Patta No.4 of Pozhichalur village, Pallavaram Taluk and direct the respondents to restore the above lands by removing the all illegal encroachment constructions, roads, drainage and EB transformers and EB poll, etc. made in those lands.

For the Petitioner : Ms.G.Lavanya

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 to 6 and 8

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Ms.G.Lavanya, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

Page 2 of 6



WP No.20396 of 2023

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2. The learned counsel for the petitioner submits that the respondents have encroached upon the private lands of the petitioner by illegally constructing a temple. The learned counsel submits that a civil suit is filed by the petitioner against the respondents and an order of injunction is also granted in favour of the petitioner. The suit is directed to be disposed of within six months by the Apex Court. Still, the respondents are making encroachment.

3. According to the petitioner already a civil suit is filed and pending and injunction order is also passed in the civil suit. If the respondents are violating the order of injunction, the petitioner has a remedy available in the same suit by filing appropriate application.

4. Once a civil suit is already pending between the parties, the petitioner ought not to have filed the present writ petition nor the writ petition can be entertained. The petitioner may seek relief in the pending suit. In that event, all contentions of the respective parties are kept open.



WP No.20396 of 2023

WEB COPY

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.07.2023

Index : yes/no

Neutral Citation : Yes/No
sra

To:

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2. The District Collector,
Chengalpet District.
3. The Tahsildar,
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Page 4 of 6



WP No.20396 of 2023

WEB COPY

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WP No.20396 of 2023

THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

(sra)

WP No.20396 of 2023

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