



W.P.No.23382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23382 of 2023

and

WMP.No.22919 of 2023

V. Rajagopal

...Petitioner

Vs.

- 1.The District Collector,
Ariyalur District.
- 2.The Revenue Division Officer,
Udayrpalayam Division
Ariyalur.
- 3.The Thasildar
Taluk Office,
Andimadam (Tk),
Ariyalur District.
- 4.The Block Development Officer,
Andimadam,
Ariyalur District.
- 5.The President,
Periathukurchi Village Panchayat,
Ariyalur District.



W.P.No.23382 of 2023

6.The Deputy Director,
Health and Family Welfare Department
Ariyalur District.

7.The Joint Director,
Animal Husbandry Department,
District Collector Campus,
Ariyalur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from granting any permission to construction of any building in Survey No.176/1 Periyaathukurchi Ariyalur District till the disposal of Civil Suit filed by the petitioner in OS No.191/2014 on file of the District Munsif Jayankondam and considering the petitioner representation dated 26.06.2023.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.R.U.Dinesh Rajkumar for R1 & R6
Additional Government Pleader

: Mr.M.Abinash for R4 & R5

ORDER

This Writ petition is filed seeking issue of Mandamus, forbearing the respondents from granting any permission for constructing the building in



W.P.No.23382 of 2023

Survey No.176/1, Periyaathukurchi Ariyalur District, till the disposal of Civil Suit filed by the petitioner in O.S.No.191 of 2014 on the file of the District Munsif, Jayankondam, by considering the petitioner's representation dated 26.06.2023.

2. A reading of the affidavit filed in support of this Writ Petition would show that the petitioner already approached the Civil Court in O.S. No.191 of 2014 on the file of the District Munsif Court, Jayakondam. The petitioner sought for a decree for permanent injunction against the defendants therein. The above suit was filed against the Government of Tamil Nadu represented by the District Collector, Ariyalur.

3. In such circumstances, it is for the petitioner to move appropriate application before the Civil Court in pending suit for appropriate relief. When the petitioner is having effective remedy before the Civil Court, this Court is not inclined to exercise its power under Article 226 of the Constitution of India.



W.P.No.23382 of 2023

WEB COPY

4. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to move the Civil Court with appropriate application in the pending Civil Suit seeking appropriate relief if it is permissible in law. If any interim application is filed by the petitioner, it shall be disposed of by the Civil Court as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

10.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

To

- 1.The District Collector,
Ariyalur District.
- 2.The Revenue Division Officer,
Udayrpalayam Division
Ariyalur.
- 3.The Thasildar
Taluk Office,
Andimadam (Tk),
Ariyalur District.



W.P.No.23382 of 2023

- 4.The Block Development Officer,
Andimadam,
Ariyalur District.
- 5.The President,
Periathukurchi Village Panchayat,
Ariyalur District.
- 6.The Deputy Director,
Health and Family Welfare Department
Ariyalur District.
- 7.The Joint Director,
Animal Husbandry Department,
District Collector Campus,
Ariyalur District.



WEB COPY



W.P.No.23382 of 2023

S.SOUNTHAR, J.
dna

W.P No.23382 of 2023
and
WMP.No.22919 of 2023

10.08.2023