



W.P.(MD) No.315 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.315 of 2023
and W.M.P.(MD)Nos.308 & 312 of 2023

Thirunavukarasu

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk, Sivagangai District.
- 4.The President,
Seivinipatti Panchayat,
Thirupathur Taluk, Sivagangai District.



W.P.(MD) No.315 of 2023

5.Sakthivel
6.Rajendran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to initiate necessary action against the illegal and unauthorized construction of the structure and compound wall by the respondents 5 and 6 and their family members in the property bearing survey Nos.453/26, 453/27 and 453/29 in Chandrapatti Village, South Ialayathankudi Group, Tiruppathur Taluk, Sivagangai District and remove the same in accordance with law and in consideration of the representation of the petitioner dated 26.12.2022.

For Petitioner : Mr.R.Ganesh Prabu
For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R3
Mr.R.Maheswaran for R4 & R5

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to initiate necessary action against the illegal



W.P.(MD) No.315 of 2023

and unauthorized constructions made by the respondents 5 and 6 and their family members, in the property bearing survey Nos.453/26, 453/27 and 453/29 in Chandrapatti Village, South Ialayathankudi Group, Tiruppathur Taluk, Sivagangai District and remove the same in accordance with law, by consideration of the representation of the petitioner dated 26.12.2022.

2. Heard Mr.R.Ganesh Prabu, learned counsel for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate, who takes notice for the respondents 1 to 3 and Mr.R.Maheswaran, learned counsel, who takes notice for the respondents 4 and 5.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that he has already filed a suit in O.S.No. 123 of 2019, before the District Munsif Court, Thirupathur for restraining the respondents and their family members from putting up a construction viz.,



W.P.(MD) No.315 of 2023

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compound wall in the aforesaid survey numbers and the same is still pending.

The petitioner apprehends that the respondents 5 and 6 and their family members will create a law and order issue and hence, the petitioner made a representation on 26.12.2022, seeking to prevent such law and order issue. However, till date, the same was not considered by the respondents. Hence, the petitioner has filed this Writ Petition.

5. We have perused the materials available on record.

6. On a perusal of the records, it is seen that the prayer, sought for by the petitioner in the aforesaid suit in O.S.No.123 of 2019 and in the instant writ petition, are one and the same. In the said suit, no interim order has been granted. Therefore, for the same relief, this Court cannot entertain the writ petition.

7. Accordingly, this Writ petition is dismissed. However, in paragraph 9 of the affidavit filed in support of this petition, the petitioner has stated that there



W.P.(MD) No.315 of 2023

WEB COPY

is apprehension of law and order issue and hence, he made a representation on 26.12.2022 and he needs for consideration of the said representation. Therefore, this order will not stand on the way of the respondents to consider the representation of the petitioner dated 26.12.2022. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

06.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsm



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W.P.(MD) No.315 of 2023

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
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W.P.(MD) No.315 of 2023

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