



W.P(MD)No.7207 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7207 of 2023

Krishnveni

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone-2,
Madurai Corporation,
Madurai.

3.Ram Mohan,

4.Uma Maheswari

5.R.Ganesh Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to take expeditious action in furtherance to the demolition notice issued in MaThi2/020649/2021 dated 25.03.2022 issued by the second respondent and also by considering the petitioner's representation dated 28.11.2022 within a stipulated time as fixed by this Court.



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For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.K.K.Kannan
Standing Counsel

ORDER

This writ petition has been filed in the nature of a Mandamus seeking a direction against the 1st and 2nd respondents to take expeditious action consequent to a demolition notice issued in Mathi.2/020649/2021 dated 25.03.2022 issued by the second respondent. The petitioner had also given a representation dated 28.11.2022.

2. This writ petition should never have been filed. The third, fourth and fifth respondents herein are the brothers and sister of the husband of the petitioner herein. They had instituted a suit wherein the petitioner is a defendant in O.S.No.96 of 2022 before the Principal District Munsif Court, Madurai Town. The relief sought was to protect their possession of the suit schedule property namely plot No.SLC-220 in S.No.156/2 Part of the Tallakulam Village, measuring 1650 Sq.ft. The suit is still pending. The petitioner herein had filed application and is contesting the suit. In the present writ petition, the petitioner seeks that the building for which injunction is



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sought should be demolished by the respondents consequent to a demolition notice and that urgent steps should be taken by the respondents.

3. This Court cannot grant that particular relief. This property is the subject matter of the suit. If the building is demolished, it would only be an indirect way of interfering with the possession of the plaintiff therein / respondents 3,4 and 5 herein. I am confident that the respondents 1 and 2 would take a decision in manner known to law and act accordingly. I am not impressed by the arguments advanced. It is stated that in similar circumstances, another learned judge has granted a similar relief. In this case, I am not prepared to grant such a relief. The right of the plaintiffs will have to be examined. Due respect will have to be given to the suit which is now pending before the learned District Munsif Court at Madurai Town.

4. This Writ Petition is dismissed. Respondents 1 and 2 may act in accordance with law but not at the instigation of the petitioner herein. No costs.

30.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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C.V.KARTHIKEYAN, J.

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To :

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone-2,
Madurai Corporation,
Madurai.

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