



W.P.(MD)No.8168 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.8168 of 2020 &
W.M.P.(MD)No.7579 of 2020

K.Saravanan

Vs.

... Petitioner

1.The Commissioner,
Madurai Corporation,
Arignar Anna Palace,
Thallakulam, Madurai - 625 002.

2.The Assistant Commissioner,
Zone-3 Madurai Corporation,
New Ramanad Road,
Navaratina Puram,
Madurai - 625 009.

3.The Health Inspector,
Zone 3, Madurai Corporation,
New Ramanad Road,
Navaratina Puram,
Madurai - 625 009.

4.S.Sudha

... Respondents



W.P.(MD)No.8168 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to take appropriate action against the fourth respondent for her illegal activities and to shift the flour mill in the residential area of ward No.58, Chinthamani on the basis of representation dated 02.06.2020 given by the petitioner.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.S.Vinayak for R1

Mr.D.Ghandiraj,
Special Government Pleader
for R2 and R3

Mr.A.Sivasubramanian for R4

ORDER

The petitioner has approached this Court for a mandamus directing the respondents 1 to 3 to take action against the fourth respondent for her illegal activities and to shift her flour mill, which is now running in the residential area to some other place on the basis of the representation given by him.



W.P.(MD)No.8168 of 2020

WEB COPY

2. The petitioner would submit that he had inherited the house property bearing Door No.1/160, Kaluvudayan Kovil Street, Chinna Anupanadi, Chinthamani (Post), Madurai. It is his case that the fourth respondent had put up a construction next door without obtaining permission from the competent Authority and constructed a flour mill to an extent of 100 sq. ft. It is his case that a high power machinery for grinding cereals and chillies have been installed and this mill shares common wall with his house. Despite his several requests on the noise pollution and the nuisance that it causes to him, the Authorities have not taken any action. That apart, it is the contention of the petitioner that the fourth respondent is running the mill without appropriate licence. Therefore, he had sent a representation dated 02.06.2020. Since the representation is yet to be considered, he has approached this Court.

2. The learned counsel appearing for the fourth respondent has submitted documents relating to OS.No.118 of 2019 pending on the file of the District Munsif Court, Madurai.



W.P.(MD)No.8168 of 2020

WEB COPY

3. After hearing the learned counsel and perusing the records, it is seen that the fourth respondent has filed a suit in OS.No.118 of 2018 against the petitioner herein and one Rajagopal contending that they are interfering with the running of the flour mill and she has sought a decree for an injunction. It is also her case that in the property she has flour mill as well as her residence. The first defendant in the suit, who is the petitioner herein had requested the her to sell the property to him, which was flatly refused by her as it was only this property through which she is eking out her life. It is also seen that she had filed IA.No.460 of 2019 for an interim injunction and the same has also been granted to her, which has been extended periodically. This order came to be passed on 27.08.2019. The petitioner herein after being aware of this interim order appears to have sent a representation to the respondents 1 to 3 herein and approached this Court. These facts are totally suppressed in the writ petition.

4. Since the very same subject matter is pending before the Civil Court, this Court is not inclined to entertain this writ petition. Therefore,



W.P.(MD)No.8168 of 2020

the writ petition is dismissed. No costs. Consequently the connected
Miscellaneous Petition is closed.

05.04.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

- 1.The Commissioner,
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- 2.The Assistant Commissioner,
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New Ramanad Road,
Navaratina Puram,
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- 3.The Health Inspector,
Zone 3, Madurai Corporation,
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W.P.(MD)No.8168 of 2020

P.T.ASHA, J.

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W.P.(MD)No.8168 of 2020

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