



W.P.(MD)No.9952 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9952 of 2021
and
W.M.P.(MD)No.7646 of 2021

Kannan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
Panchayat Union Office,
Manamadurai,
Sivagangai District.

3.The President,
Seikalathur Panchayat,
Seikalathur Post,
Manamadurai Taluk,
Sivagangai District.

4.Murugan

5.Balakrishnan

6.Seeni

7.Saravanan

8.Malaipandi

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein not to provide any permission or approval for the disputed properties



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comprised in Survey Nos.296/4 and 299/2 situated at Seikalathur Group Karunthankulam Village, Sivagangai District based on the petitioner's representation dated 03.06.2021.

For Petitioner : Mr.K.Manimaran
For R1 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents 1 to 3 not to grant any planning approval to the private respondents based on the representation made by the petitioner dated 03.06.2021.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

3.The case of the petitioner is that the subject property belongs to his father and one Sivaraman. The said Sivaraman seems to have executed a settlement deed in favour of the fourth respondent and thereby, he dealt with the entire property. The petitioner has filed a suit in O.S.No.143 of 2015 seeking for the relief of declaration and also for declaring the settlement deed dated 18.12.2006 and the mortgage created by depositing the title deeds through document dated 27.02.2007 as null and void and for other consequential reliefs.



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4.During the pendency of the suit, when an attempt was made by the private respondents to get the planning approval from the third respondent, the petitioner made a representation on 03.06.2021 to the respondents 1 to 3 expressing his objections. Since the same was not acted upon, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the substantial dispute is now pending in the suit before the appropriate forum and hence, the petitioner has to seek for necessary interim relief only before the civil Court, where the suit is pending. The writ jurisdiction cannot be invoked for the sake of getting interim orders, when the substantial dispute is pending before the appropriate forum. The law on this issue is well settled.

6.In light of the above, the relief sought for by the petitioner cannot be granted. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

17.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Block Development Officer,
Panchayat Union Office,
Manamadurai,
Sivagangai District.

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