



W.P(MD)No.8449 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE P.VADAMALAI**

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A.Rathamani

... Petitioner

Vs.

1.The Commissioner,
Virudhunagar Municipality,
Virudhunagar District – 626 001.

2.Bharathi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus to direct the first respondent to demolish the illegal and unauthorised construction made by the second respondent at the petitioner's property situated in Old Door No.9, New Door Nos. 12-1 and 12-2, Town Survey No.303 P, Mallappan Street, Ward No.20, Viruthunagar Municipal Town, Viruthunagar Registration District and Viruthunagar District on the basis of the petitioner's representation, dated 03.04.2018 under the Tamil Nadu District Municipalities Act, 1920.



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For Petitioner : Mr.R.Rajaraman
For R-1 : Mr.M.Muthugeethayan
For R-2 : Mr.T.Antony Arul Raj

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.R.Rajaraman, learned counsel for the petitioner, Mr.M.Muthugeethayan, learned counsel for the first respondent and Mr.T.Antony Arul Raj, learned counsel for the second respondent.

2. The learned counsel for the petitioner submits that the petitioner had already filed a civil suit in O.S.No.56 of 2012 on the file of the Sub-Court, Viruthunagar and the same is pending.

3. The grievance of the petitioner is that the second respondent has forged the power of attorney and has carried out unauthorized construction in her property.



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4. The said dispute can be decided only by the civil Court.

5. In the light of the above, we are not inclined to entertain the writ petition. Hence, this writ petition is disposed of. The petitioner may prosecute the civil suit as permissible under law and in that event, the contentions of the parties are kept open. No Costs.

(S.V.G., CJ.)

(P.V.M., J.)

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NCC :Yes/No
Index :Yes/No
PM



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THE HON'BLE CHIEF JUSTICE
and
P.VADAMALAI, J.

PM

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