



W.P.(MD).No.22108 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.22108 of 2021
and
W.M.P.(MD).No.18706 of 2021

P.Periyakaruppan

... Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam Sub Division,
Periyakulam,
Theni District.

3.The Executive Officer,
Aundipatti Town Panchayat,
Aundipatti Taluk,
Theni District.

4.A.Arul

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3, not to carry any further development works in the lands comprised in Survey Nos.477, 477/1 and 479, Aundipatti Village Bit-I, Aundipatty Taluk till the disposal of the suit



W.P.(MD).No.22108 of 2021

in O.S.No.141 of 2021 on the file of the Learned District Court, Theni on the basis of the petitioner's representation dated 20.11.2021.

For Petitioner : Mr.R.Shankar Ganesh

For R-1 to R-3 : Mr.A.K.Manikkam
Special Government Pleader

For R-4 : No Appearance

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 not to lay any road in the subject property belonging to the petitioner.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

3. It is seen from the records that the petitioner has already filed a suit in O.S.No.141/2021 and the same is pending on the file of the Principal District Court, Theni. During the pendency of the suit, the petitioner has filed this Writ Petition to get an interim order directing the respondents 1 to 3 not to lay the road.



W.P.(MD).No.22108 of 2021

4. When the substantial dispute is pending before the Civil Court, a Writ Petition cannot be filed for the sake of getting interim order. This issue is now too well settled.

5. In view of the above, it is left open to the petitioner to seek for an interim order before the competent Civil Court where the suit is pending. If the road is laid in the patta land, it will also open to the petitioner to seek for compensation. Except giving this liberty, no further orders can be passed in this Writ Petition.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

Nsr



W.P.(MD).No.22108 of 2021

To

WEB COPY

- 1.The District Collector,
Theni,
Theni District.
- 2.The Revenue Divisional Officer,
Periyakulam Sub Division,
Periyakulam,
Theni District.
- 3.The Executive Officer,
Aundipatti Town Panchayat,
Aundipatti Taluk,
Theni District.



WEB COPY



W.P.(MD).No.22108 of 2021

N.ANAND VENKATESH, J.

Nsr

W.P.(MD).No.22108 of 2021

21.11.2023