



WEB COPY



W.P.No.19248 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.19248 of 2020

1. P.Kannappan (Deceased)
2. Saraswathi
W/o late Mr.Kannappan
3. Rukmani
D/o late Mr.Kannappan
4. Chithra
D/o late Mr.Kannappan
5. Murugesan
S/o late Mr.Kannappan
(P2 to P5 are substituted as LRs
of deceased P1 vide order dated
01.03.2024 in WMP.4439/24 in
WP.19248/20)

.. Petitioners

-VS-

1. The Commissioner
Corporation of Coimbatore
Coimbatore
2. The Executive Officer
Pilichi Panchayat Union Office
Coimbatore



W.P.No.19248 of 2020

WEB COPY

3. The Thasildar
Coimbatore (North)
Dr.Balasundaram Road
Coimbatore 641 018

4. Tmt.Pappal
5. Thiru.Ravikumar
6. Thiru.Nanjappa Gounder
7. Thiru.Balasubramanian
8. Thiru.Duraiaraj
9. Thiru.Nandakumar

10.Thiruveethi Marbles and Granites
Dealers in Marble Tiles and Granites
represented by its Proprietor
Mettupalayam Main Road
Pera Mahampalayam Pilichi Village
Coimbatore 641 019

11.Thiru.Gopalakrishnan
12.V.Mahendran
13.B.Karthick Prakash
(R12 & R13 impleaded vide order
dated 14.06.2023 in WMP.14110 &
14312/21 in WP.19248/20) .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus directing the respondents 1 to 3
to consider the petitioner's representation dated 26.11.2019 relating to
unlawful constructions erected by respondents 4 to 11.

For Petitioners :: Mr.B.Manimaran



W.P.No.19248 of 2020

For Respondents :: Mrs.V.Yamuna Devi
Special Government Pleader
for R2 & R3
Mr.L.Mouli for R7, R12 & R13
No appearance for R1 & R11
Tapal returned for R5, R6, R8, 9 &

10

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed for issuance of a mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 26.11.2019 relating to unlawful constructions put up by respondents 4 to 11.

2. It is stated in the affidavit filed in support of this writ petition that the property measuring an extent of 18 acres and 55 cents in Pilichi Village, Coimbatore District was in possession of the first petitioner along with his sisters. It is now brought to our notice that the first petitioner along with two others have filed earlier a suit for partition and there was an ex parte decree by a judgment and decree dated 10.02.2010. However, it appears that the



W.P.No.19248 of 2020

ex parte decree was set aside later and the suit was ultimately dismissed for non prosecution by the judgment dated 12.03.2015. The order dismissing the suit in O.S.No.551 of 2009 that became final, is admitted. However, based on the decree by which the suit itself was dismissed for non prosecution, it appears that the first petitioner has registered the decree and made a false claim on the basis of subsequent documents created inter se. Since the petitioners have come before this Court with unclean hands suppressing the material facts, this Court finds that the petitioners are not entitled to any relief from this Court by exercising our extraordinary jurisdiction. The petitioners have raised a dispute with regard to certain lands and appear to have filed this writ petition for a relief which they could not get from the civil Court on the admitted facts. Since the filing of the writ petition is motivated and the writ petition is devoid of any merit, this Court has no option but to dismiss the same. Accordingly, the writ petition stands dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
15.03.2024



W.P.No.19248 of 2020

To

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Coimbatore
3. The Thasildar
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WEB COPY



W.P.No.19248 of 2020

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.19248 of 2020

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