



W.P.No.12008 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12008 of 2020

K.Rajalakshmi

... Petitioner

Vs.

1. The Govt. of Tamil Nadu,
Rep. by Secretary,
Municipal Administration,
Chennai - 9.
2. The District Collector,
Salem District, Salem.
3. The Commissioner,
District Municipality - Mettur,
Mettur, Salem.
4. P.Kumar
5. Ramakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 & 3 to consider the representation, dated 20.07.2020 and act on the same in accordance with law.



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For the petitioner : Mr.R.Subramanian
For the respondents : Mr.V.Manoharan,
Additional Government Pleader,
for RR-1 to 3
: No Appearance for RR-4 and 5

ORDER

This Writ Petition has been filed for a direction directing the respondents 2 & 3 to consider the representation, dated 20.07.2020 and act on the same in accordance with law.

Heard the learned counsel appearing on either side and perused the material records.

The petitioner herein submitted his representation dated 20.07.2020 seeking direction not to put up any construction by the 4th and 5th respondents affecting the easementary right of the petitioner. In this regard, the petitioner had already filed a suit in O.S.No.54 of 2020 and it is pending on the file of the District Munsif, Mettur, without any interim order. In fact, the interim injunction application was dismissed by the Court below.

The case of the petitioner is that the petitioner owns a property in S.No.30/10, New S.No.112/8, Block No.3, Ward B Raja Ganapathy Nagar,



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Mettur Dam, measuring an extent of 0.0089.0 sq.mts.,. The respondents 4 and 5 without any planning permission attempted to put up a construction in the petitioner's property i.e., in S.No.112/1. However, it is already seized off by the Civil Court and as such the prayer sought in the present Writ Petition cannot be granted. Further, the issue raised by the petitioner is a mixed question of facts, it cannot be decided before this Court in a Writ Petition.

In view of the above said reasons, this Writ Petition stands dismissed. No costs.

26.09.2024

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Index : Yes/No

Internet : Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes/No

G.K.ILANTHIRAIYAN, J.,

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To



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Mettur, Salem.

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