



W.P.(MD)No.11261 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11261 of 2024

and

W.M.P(MD).No.10015 of 2024

B.Rajendran

... Petitioner

vs.

1.The Commissioner

Madurai Corporation, Madurai

2.The Assistant Commissioner

West Zone, Madurai Corporation, Madurai

3.The City Engineer

Madurai Corporation, Madurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents herein from laying road in the property measuring an extent of 53 cents owned by the petitioner in Sy.No. 6/1B3, T.S.No. 9, Ward No. 5, Ponmeni Village, Madurai West Taluk, Madurai District pending disposal of O.S.No.277/2019 filed by the petitioner before the V Additional District Court, Madurai as the 1st respondent herein is the 7th Defendant in the above mentioned suit.



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For Petitioner : Mr.K.C.Ramalingam
For Respondents : Mr.S.Vinayak,
Standing Counsel

ORDER

The petitioner has filed this petition seeking to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from laying road in the property measuring an extent of 53 cents owned by him in Sy.No. 6/1B3, T.S.No. 9, Ward No. 5, Ponmeni Village, Madurai West Taluk, Madurai District pending disposal of O.S.No.277/2019 filed by him before the V Additional District Court, Madurai as the 1st respondent herein is the 7th defendant in the above mentioned suit.

2. The grievance of the petitioner is that when the suit is pending in O.S.No.277 of 2019 before the V Additional District Court, Madurai, the respondents 2 and 3 are trying to lay a road in the suit property. In such case, the petitioner has to workout his remedy before the Civil Court and this writ petition itself is not maintainable.



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3. Accordingly, the writ petition is dismissed. No Costs.

Consequently, the connected Miscellaneous Petition is closed.

22.05.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

1.The Commissioner
Madurai Corporation, Madurai

2.The Assistant Commissioner
West Zone, Madurai Corporation, Madurai

3.The City Engineer
Madurai Corporation, Madurai



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R.N.MANJULA, J.

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