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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.3809 of 2025

T.Parimalam ..Petitioner

Vs

1.The Director of Panchayat,
Rural Development and Panchayat Raj Department,
Fort. St. George,
Chennai.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Assistant Director Panchayat,
Rural Development and Department of Panchayat Raj,
Pudukkottai.

4.The Block Development Officer,
Village Panchayat,
Karambakudi Taluk,
Pudukottai District.

5.The Tahsildar,
Karambakudi Taluk,
Pudukottai District. ..Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from constructing the new building in Old Survey No.96/4C and 84 cents in 96/4D, New survey No.96/3 at Karukkakuruchi Post, Therkku Theru, Karampakudi Taluk, Pudukottai District, by considering the petitioner's representation dated 19.12.2024 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.D.Anbarasu
For Respondents : Mr.A.Kannan
Addl. Govt. Pleader
(for R1 to R3 & R5)
Mr.B.Saravanan
Addl. Govt. Pleader (for R4)

ORDER

The petitioner seeks issuance of a Writ of Mandamus to restrain the respondents from constructing building in Old Survey No.96/4C and to an extent of 84 cents in 96/4D, New survey No.96/3 at Karukkakuruchi Post, Therkku Theru, Karampakudi Taluk, Pudukottai District.

2. It is the petitioner's case that he is the owner of the property situated in the aforesaid survey numbers. On account of certain disputes that had arisen between the petitioner and the officials of the local body, he has moved a suit for declaration of his title and for permanent injunction before the Sub Court, Pudukkottai. Pleading that during the pendency of the civil suit, the respondents are attempting to put up construction over the property, he has approached this Court by way of the present writ petition.

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3. I heard Mr.D.Anbarasu for the petitioner, Mr.A.Kannan, learned Additional Government Pleader for the respondents 1 to 3 and 5 and Mr.B.Saravanan, learned Additional Government Pleader for the fourth respondent.

4. A suit for title is already pending before the jurisdictional civil court. The writ petition under Article 226 of the Constitution of India is not meant for interim relief pending disposal of the suit. If the petitioner fears that the respondents are putting up a superstructure over his property, then the appropriate remedy is to move the very same court, where the suit is pending, for the relief of interim injunction.

5. When that being the position of law, the relief sought in the writ petition cannot be granted. Leaving it open to the petitioner to approach the jurisdictional civil court for such relief, as may be advised, this writ petition is dismissed. No costs.

17.02.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

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V.LAKSHMINARAYANAN, J.

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