



W.P.(MD)No.4708 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4708 of 2025

and WMP (MD) Nos.3393 & 3394 of 2025

Sithanantham

: Petitioner

Vs.

1. The District Collector,
O/o.Collector Offie,
Ramanathapuram,
Ramanathapuram District.

2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram,
Ramanathapuram District.

3. Karthik Ayyappan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus call for the records of the impugned order of the 2nd respondent herein vide Paa.sa.Thi.E.Vi.No. 138/2024-2025/E2 dated 24.01.2025 and quash the same as illegal and consequently restraining the 2nd respondent from laying any sewage water channel in the petitioners land, in accordance with law.



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For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

for R1

Mr.K.Saravanan for R2

ORDER

This writ petition has been filed challenging the proceedings of the second respondent, dated 24.01.2025 and for a consequential direction to the second respondent not to lay any sewage water channel in the petitioner's land.

2. Heard the learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.K.Saravanan, learned counsel, appearing for the third respondent. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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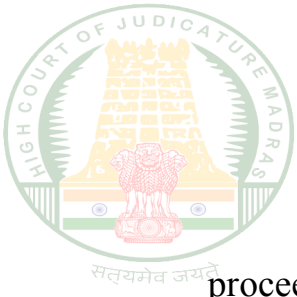
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3. When the matter was taken up for hearing today, the learned Additional Government Pleader, on instructions, submitted that in respect of the issue pertaining to the land in question, a civil suit in O.S.No.09 of 2023 is pending before the District Munsif Court, Ramanathapuram.

4. The learned counsel for the petitioner submitted that, despite the pendency of the suit, the respondents proceeded to pass the impugned order to lay a pipeline for transporting sewage water without taking the ongoing litigation into account.

5. This Court, having considered the submissions of the parties, observes that a civil suit is already pending before the District Munsif Court, Ramanathapuram. In the event, the petitioner is aggrieved by the impugned order, it is for the petitioner to agitate the matter before the concerned competent civil court, in the manner known to law.

6. In the result, this writ petition is dismissed. However, liberty is granted to the petitioner to file an injunction application before the appropriate court in the pending suit to restrain the respondents from



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proceeding with the laying of the sewage pipeline on the petitioner's land, pending final adjudication of the civil suit. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.02.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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VIVEK KUMAR SINGH, J.

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