

**(2010) 10 MAD CK 0311**

**Madras High Court (Madurai Bench)**

**Case No:** Writ Petition No. 4049 of 2009

L. Jayanagu

APPELLANT

Vs

The Kodaikanal Municipality and  
V. Dhanalakshmi

RESPONDENT

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**Date of Decision:** Oct. 22, 2010

**Hon'ble Judges:** M. Jaichandren, J

**Bench:** Single Bench

**Advocate:** G.R. Swaminathan, for the Appellant; S. Kadarkarai, for the Respondent

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### **Judgement**

@JUDGMENTTAG-ORDER

M. Jaichandren, J.

Heard Mr. G.R. Swaminathan, the learned Counsel appearing on behalf of the At this stage of the hearing of the writ petition, the learned Counsel appearing on behalf of the first Respondent

2. At this stage of the hearing of the writ petition, the learned Counsel appearing on behalf of the first respondent had submitted that there has been a civil suit pending, in O.S. No. 94 of 2005, on the file of the District Munsif Court, Kodaikanal, wherein the Petitioner, as well as the second Respondent are parties. The issue relating to the alleged common pathway is to be decided by the Civil Court concerned. Hence, the writ petition is devoid of merits.

3. The learned Counsel appearing on behalf of the Petitioner has not refuted the statement made by the learned Counsel appearing on behalf of the first Respondent that the issue raised in the present writ petition, as well as the issue raised in the civil suit, in O.S. No. 94 of 2005, on the file of the District Munsif Court, Kodaikanal, are one and the same.

4. In such circumstances, this Court does not find sufficient cause or reason to grant the relief, prayed for by the Petitioner, in the present writ petition. Hence, the writ petition stands dismissed. No costs. However, it is made clear that it would be open

to the Petitioner to seek his relief, if any, before the concerned Court, in O.S. No. 94 of 2005.