



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 11871 of 2004

Thanjavur Municipal Employees,
Co-operative Housing Society Limited,
T-1818 Municipal Office,
Thanjavur 613 001.
Represented by its Secretary Mr. N. Raghunathan

Petitioner(s)

Vs

1. The Commissioner,
Thanjavur Municipality, Thanjavur.

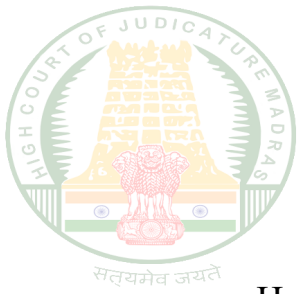
2.Municipal Colony Residents Welfare Association,
No 5/2000, Municipal Colony, Thanjavur.
Represented by its Secretary M. Murugesan.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the respondent herein namely the Commissioner, Thanjavur Municipality, Thanjavur, from interfering and putting up any construction in the land in S.No.328, situated at Neelagiri Therkku Thottam, Thanjavur Taluk and Thanjavur District, belonging to the petitioner society except by due process of law.

For Petitioner(s): Mr.G.Sankaran,
Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondent(s): Mr.M.Sureshkumar
Additional Advocate General
for M/s.L.P. Maurya



ORDER

Heard Mr.G.Sankaran for Mr.S.Nedunchezhiyan representing the petitioner and Mr.M.Sureshkumar for M/s.L.P. Maurya, appearing for the respondents.

2. The issue presented in this writ petition cannot be answered by this Court at this stage, since the writ petitioner has suffered a decree in A.S.No.11 of 2004, dated 17.02.2005 on the file of Principle Subordinate Judge, Thanjavur.

3. The aforesaid first appeal came before the learned Subordinate Judge pursuant to the judgment and the decree passed by the learned District Munsif, Thanjavur in O.S.No.81 of 2000, dated 28.06.2004. That suit had been presented by the Municipal Colony Residents Welfare Association, Thanjavur, seeking for a declaration that the order passed by the Registrar of Co-operative Societies (Housing), Chennai-20 on 17.08.1999, is illegal, and further sought for permitting the alienation of the property and for consequential injunction directing the Thanjavur Municipality and the State of Tamil Nadu, to shift the Municipal Primary School functioning in the area allocated for market, or acquire the land to develop it into a public park.

4. Initially, the suit came to be dismissed by the learned District Munsif.



On an appeal filed by the plaintiff to the learned Subordinate Judge, the Suit came to be decreed. Aggrieved by the same, the writ petitioner, who was the first defendant in the suit has preferred a second appeal in S.A.No.685 of 2005.

5. Mr.G.Sankaran and Mr.M.Sureshkumar submitted that the second appeal in S.A.No.685 of 2005 is still pending consideration. When a decree stares at the face of the writ petitioner, if I were to take up this writ petition, it will have a direct impact on the second appeal. Hence, the writ petition is closed. Liberty is granted to the petitioner to work out his rights in event of the second appeal going in its favour. No costs.

21-01-2026

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Commissioner,
Thanjavur Municipality, Thanjavur.

2.Municipal Colony Residents Welfare Association,
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V.LAKSHMINARAYANAN J.
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