

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.16894 of 2015
& M.P.No.1 of 2015

P.Palanisamy

.. Petitioner

Vs.

1.The District Collector,
Erode District, Erode.

2.The Superintendent of Police,
Erode District, Erode.

3.The Tahsildar,
Gobichettipalayam Taluk,
Erode District.

4.The Inspector of Police,
Siruvalur Police Station,
Erode District.

5.Marudhamuthu

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records relating to the impugned proceedings of the third respondent dated 22.05.2015 in his Proceedings Na.Ka.No.100/2015/A4, to quash the same.

For Petitioner

.. Mr.C.Prabakaran

For Respondents

.. Mr.S.Pattabiraman,

Government Advocate for R1 to R4

No appearance for R5

ORDER

Seeking a declaration and consequential injunction, the petitioner has filed comprehensive suit in O.S.No.278 of 2012 on the file of District Munsif Court, Gobichettipalayam. The fifth respondent is said to be a purchaser, pending suit. Both the petitioner and the fifth respondent gave complaints against each other. Based upon the communication of the Sub Collector, Gobichettipalayam, and the Inspector of Police, Siruvalur Police Station, Erode District, the third respondent has asked the petitioner to come for an enquiry. Challenging the same, the present writ petition has been filed.

2. Despite notice having been served on the fifth respondent, none appeared on his behalf.

3. It is seen from the counter affidavit filed by the fourth respondent that a legal opinion has been given on the complaints made by the parties to seek remedy before the Court of Law. In view of the pendency of the civil suit and taking note of the fact that both the petitioner and the fifth respondent claiming title to the property in dispute, this Court is of the view that the third respondent is not required to go into the same. Accordingly, the writ petition stands disposed of by directing the District Munsif, Gobichettipalayam to dispose of O.S.No.278 of 2012 within a period of nine months from the date of receipt of a copy of this order. The fact remains that the fifth respondent has already filed an application to implead himself as a party defendant in the suit and hence, it is made clear that the official respondents are not required to conduct any more enquiry. In view of the same, the petitioner cannot seek parellel remedy and in any case, the official respondents shall not go into the inter se dispute, particularly, when the jurisdictional Court is in seizin. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa

To

- 1.The District Collector,
Erode District, Erode.
- 2.The Superintendent of Police,
Erode District, Erode.
- 3.The Tahsildar,
Gobichettipalayam Taluk,
Erode District.
- 4.The Inspector of Police,
Siruvalur Police Station,
Erode District.

+ 1 cc to Mr.C. Prabakaran, Advocate Sr.45354
+ 1 cc to Government Pleader Sr.45406

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SKV(CO)
Eu 10.09.15