

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.1726 of 2015
and
M.P.No.1 of 2015

K.Jeevarathinam

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ambattur.
2. The Tahsildar-cum-Special Tahsildar,
Tiruvottiyur/ Madavaram Taluk,
Municipality Primary School,
Poonthottam Lane,
Tiruvottiyur,
Chennnai-600 019.
3. The Assistant Commissioner / Executive Officer,
Arulmighu Thiyagaraj Swami Tirukoil,
Tiruvottiyur, Chennai-600 019.
4. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Chennai-600 034.

...Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus directing the third and fourth respondent not to evict the petitioner from shop No.47D, Sannadhi Street, Tiruvottiyur, Chennai-600 019.

For Petitioner : Mr.G.Palani

For Respondents : Mr.P.S.Shivashanmughasundaram,
Spl.G.P for RR1 and 2
Mr.S.Kandasamy, Spl.G.P for RR3 and 4

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The admitted case of the petitioner is that the petitioner is in possession of Shop No.47D, Sannadhi Street, Tiruvottiyur, Chennai-600 019, which was, according to the petitioner, constructed by her late husband in S.No.237, now sub-divided into S.No.237/1 and 1A, of gramamatham land controlled by the first and second respondents.

2. The petitioner has come up with this petition, seeking a writ of mandamus or any other writ or direction to the third and fourth respondents not to evict the petitioner from the said shop.

3. Before approaching this Court under Article 226 of the Constitution of India, the petitioner along with one K.Gokulakrishnan has preferred a suit being O.S.No.150 of 2013 in the court of District Munsif, Tiruvottiyur, seeking a decree of permanent injunction, restraining the respondents, the defendants therein from interfering with the plaintiffs' peaceful possession and occupation of the suit property at No.47D, Sannadi Street, Tiruvottiyur, Chennai-600 019 comprised in S.No.237/1 Madhavaram Taluk, Tiruvallur District measuring 600 sq.ft. The said civil suit is still pending consideration on the file of the District Munsif Court, Tiruvottiyur.

4. The learned counsel appearing for the petitioner submits that in order to get a quick relief, the petitioner instead of approaching the civil court, where the dispute is pending consideration for permanent injunction, is approaching this court for the aforesaid relief / direction.

5. We have examined the entire facts. Without going into the merits of the case, we are of the considered view that when the civil case is pending before the competent jurisdictional civil court for permanent injunction, the petitioner is not entitled to file this writ petition, seeking identical relief. Thus, the writ petition

under Article 226 of the Constitution of India, is not maintainable and is accordingly dismissed summarily. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Revenue Divisional Officer,
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Chennai-600 034.

1 CC to the Spl.Government Pleader, SR.No. 4103

1 CC to the Government Pleader, SR.No. 4109

RV (CO)
PSI (10.02.2015)

W.P.No.1726 of 2015
and M.P.No.1 of 2015