



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.21140 of 2015
and M.P. (MD) No. 1 of 2015

S.Sivakumar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.2.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.3.The Divisional Engineer,
Highways Department,
Palayamkottai,
Tirunelveli.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the respondents from interfering in the petitioner's land and building Door NO.11/1 in Survey No. 64 to an extent of 3 cents situated at Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli without due process of law based on the petitioner's representation dated 21.11.2015 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.T.Selvan

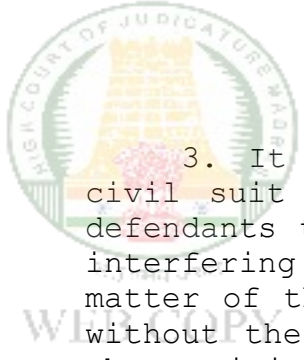
For R1 & R3 : Mr.N.S.Karthikeyan
Additional Government Pleader

For R2 : Mr.Aayiram K.Selvakumar

O R D E R

Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents 1 and 3. Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the second respondent.

2.The petitioner seeks for a mandamus forbearing the respondents from interfering with his land and building bearing Door No.11/1 in Survey NO.64 to an extent of 3 cents situated at Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli without due process of law.



3. It is seen that the very same petitioner has already filed a civil suit in O.S.NO.293 of 2013 against the very same respondents as defendants therein seeking for permanent injunction restraining them from interfering with his possession and enjoyment of the very same subject matter of the property. It is stated that the said suit is still pending without there being any interim order. That being the factual position, the petitioner filed this writ petition before this Court seeking very same relief. Needless to say that the petitioner cannot resort to seek same remedy before the two forums simultaneously. Therefore, I find the present writ petition is not maintainable and accordingly, the same is dismissed without going into the merits of the matter. However, liberty is given to the petitioner to agitate his right before the civil court where a suit filed by him is pending. No costs. Consequently, connected M.P. is also dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,Tirunelveli District,Tirunelveli.
- 2.The Commissioner,Tirunelveli Municipal Corporation,Tirunelveli.
- 3.The Divisional Engineer,Highways Department,Palayamkottai,Tirunelveli.

+1cc to Mr.T.Selvan, Advocate SR.No.68129

+1cc to Mr.Aayiram K.Selvakumar, Advocate SR.No.68226

+1cc to The Special Government Pleader, Madurai. SR.No.68150

W.P (MD) No.21140 of 2015
and M.P. (MD) No. 1 of 2015
27.11.2015

CM

NS/SKS-RR/02.12.2015 : 2P/7C