

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

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

W.P. No.11716 of 2016 and W.M.P. No.10136 of 2016

V. Samanthi

Petitioner

Vs.

- 1 The District Collector
Kanchipuram District
Kanchipuram
- 2 The Tahsildar
Sriperumbudur Taluk
Sriperumbudur
Pin - 602 105
- 3 The Executive Officer
Kundrathur Town Panchayat
Kundrathur
Chennai 600 069
- 4 The President
Mananchery Village
Kundrathur Town Panchayat
Kundrathur, Chennai 600 069

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of prohibition prohibiting the respondents from forcibly evicting the petitioner without due process of law from the land measuring about 0 Acre 06 cents comprised in Survey No.21/1 situated at No.88, Mananchery Village, Sriperumpudur Taluk, Kancheepuram District.

For petitioner Mr. N. Ilangovan

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of prohibition prohibiting the respondents from forcibly evicting the petitioner without due process of law from the land measuring

about 0 Acre 06 cents comprised in Survey No.21/1 situated at No.88, Mananchery Village, Sriperumpudur Taluk, Kancheepuram District.

2 In respect of the land in question, the petitioner has already preferred a civil case in O.S. No.195 of 2014 on the file of the District Munsif Court, Sriperumpudur, seeking permanent injunction, which is still pending consideration. In the event, the petitioner is threatened by some persons, other than the defendants in the suit, she may implead the said persons as well, as defendants in the pending suit and seek an appropriate interim injunction, if so advised. During pendency of a similar dispute before the Civil Court, no writ petition is maintainable, on any ground, particularly, on the ground that some other persons are attempting to evict her from the said land. It is impermissible to pursue remedy in two different fora for the same relief.

3 Thus, when the matter is already sub judice before the Civil Court, this writ petition under Article 226 of the Constitution of India is not maintainable. The petitioner may rush to the Civil Court seeking interim injunction or may make a complaint to the competent authorities seeking appropriate relief, if so advised.

The writ petition stands dismissed with the above observations. Costs made easy. Connected W.M.P. is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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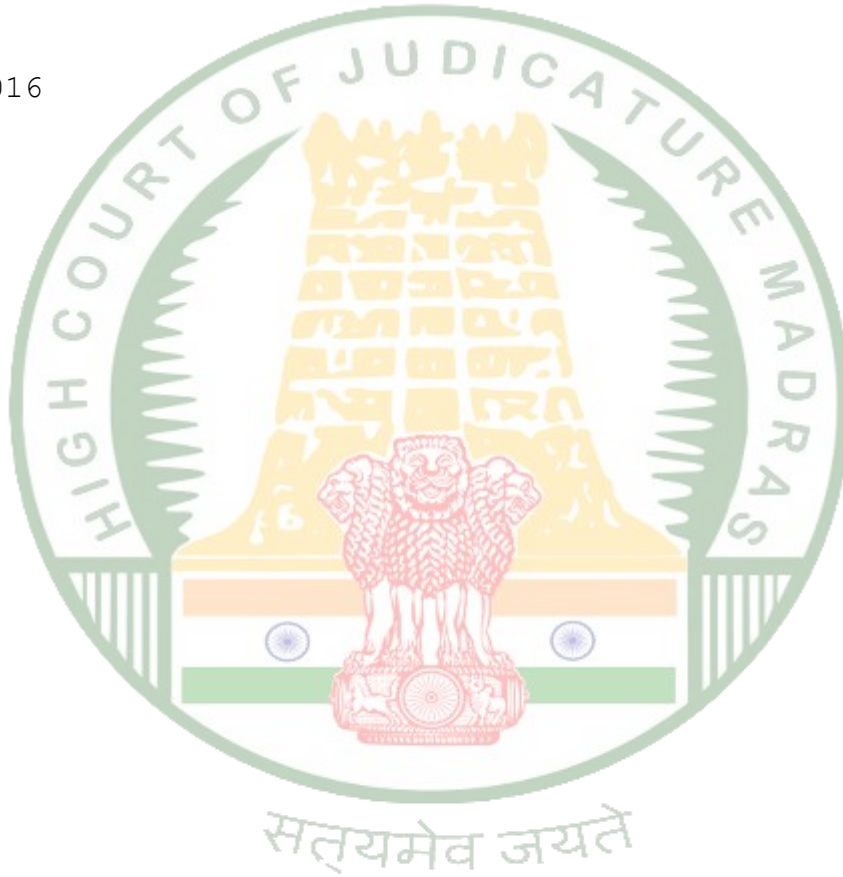
- 1 The District Collector
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+ 1 cc to Mr.N.Ilangovan Advocate, SR19687

W.P. No.11716 of 2016

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