

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.13043 of 2016 & W.M.P.No.11386 of 2016

M.Kalimuthu

.. Petitioner

Vs.

1. The District Collector,
Collector's Office,
Coimbatore.

2. The Tahsildar,
Madhukarai,
Coimbatore District.

3. Sundaram

R3 impleaded as per the order
dated 07.09.2016 by BRJ in WMP
No.12365 of 2016 in W.P.No.
13043 of 2016

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation dated 17.02.2016.

For Petitioner : Mr.Natarajan, Sr. Counsel
for Mr.A.Madhumathi

For Respondents: Mr.S.Rajeswaran

Spl. Government Pleader - R1 & R2

Mr.V.Anandhamoorthy - R3

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ORDER

This Writ Petition has been filed to direct the respondents to consider the representation of the petitioner dated 17.02.2016.

2. The case of the petitioner is that the third respondent and his family members own lands in S.F.No.473/1 which lies adjoining to the property inherited by the petitioner from his

grandmother. While so, the third respondent attempted to dispossess the petitioner to the extent of 0.90 acres of land inclusive of north-south pathway, which was bequeathed in favour of the petitioner by his grandmother. In this regard, the petitioner gave representation to the first and second respondents for survey of the lands of the petitioner and the third respondent. But no steps have been taken on the said representation. Hence the petitioner has come forward with the present Writ Petition.

3. Heard Mr.Natarajan, learned senior counsel for the petitioner, Mr.Rajeswaran, learned Special Government Pleader for the first and second respondents and Mr.Anandamoorthy, learned counsel for the third respondent.

4. After some elaborate arguments, the learned senior counsel for the petitioner submitted that in respect of the very same property, the petitioner has already filed a suit in O.S.No.872 of 2011 for the relief of declaration and injunction and the suit is pending before the III District Munsif Court, Coimbatore.

5. In view of the submission of the learned senior counsel for the petitioner, as title of the disputed property has to be established and already civil suit filed by the parties is pending, the mandamus as sought for by the petitioner cannot be granted to measure and survey the property. However, the learned III District Musnif, Coimbatore, is directed to dispose of the suit in O.S.No.872 of 2011 as expeditiously as possible, in any event within a period of three months from the date of receipt of a copy of this Order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



सत्यमेव जयते

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To

1. The District Collector,
Collector's Office,
Coimbatore.
2. The Tahsildar,
Madhukarai,
Coimbatore District.

+lcc to Mr.D.R. Arunkumar, Advocate, S.R.No.71889

+lcc to the Government Pleader, S.R.No.72076

+lcc to the Mr. A. Madhumathi, Advocate Sr.No.72311 (23/12/2016)

nrjk(CO)

md(22/12/2016)

W.P.No.13043 of 2016



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