

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.27479 of 2014

Mr.Muniamuthu

.. Petitioner

Vs

1.The District Collector
Ariyalur District
Ariyalur-621 704.

2.The Sub Collector/Revenue
Divisional Officer
Ariyalur Sub Divisional
Ariyalur - 621 704.

3.Mrs.Neelambal.

... Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and dispose of the representation of the petitioner, dated 29.9.2014.

For Petitioner : M/s.S.Gunalan

For Respondent Nos.1 & 2 : Mr.Jaya Prakash Narayanan
Special Govt. Pleader

For Respondent No.3 : Mr. P.Vijendran

O R D E R

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and dispose of the representation of the petitioner, dated 29.9.2014.

3. The petitioner has stated that the land in Survey Nos.606/8A, 606/7, 606/8B, 606/1A, had been assigned in the name of the forefathers of the petitioner as 'Elumbadi Uliyam'. However, the possession of the said land had been taken over by the third

respondent, illegally.

4. In such circumstances, the petitioner has made a representation to the first and the second respondents herein, to take an appropriate action against the third respondent and to assign the said land in favour of the writ petitioner.

5. At this stage of the hearing of the writ petition, the third respondent has filed a counter affidavit, dated 3.9.2016.

6. Paragraph No.4 of the counter affidavit reads as follows:-

"4.That Mr.K. Pugazhendhi and A. Dharmalingam have filed O.S.No.64/2007 against me and my husband before the District Munsif at Ariyalur and sought for perpetual injunction and other reliefs. Now I came to understand that the suit was disposed on 18.9.2014. For the same cause and the same property, the petitioner herein (Marimuthu) and 5 others filed O.S.No.95/2013, on 19.3.2013 before the District Munsif at Ariyalur and seeking relief as follows:-

"Hence it is humbly prayed that this Honourable court may be pleased to pass a decree and judgment in favour of the plaintiff against the defendants.

(a) for allowing the plaintiffs to represent the suit for themselves and in the interest of the public of peria para theru and to file it before this Honourable Court.

(b) for the relief of declaration that the undermentioned suit property is Ooziyam Land called as Elumbadi Maniyam and as a consequential relief of the restoration of the said land to its original position in the village records by way of mandatory injunction.

(c) for restraining the defendants 4 to 8 their men or agents from in any manner claiming any title to the suit property and entering into the same by means of perpetual injunction and other reliefs."

7. The learned counsel, appearing on behalf of the petitioner had not disputed the fact that the petitioner had filed a civil suit, praying for a same relief, as prayed for in the present writ petition, on the file of the District Munsif, Ariyalur, in O.S.NO.95 of 2013, and the said suit is pending disposal.

8. In such circumstances, this Court finds that the relief prayed for by the petitioner, cannot be granted. Hence, the writ petition stands dismissed. However, it goes without saying that the

petitioner can pursue his remedies, if any, before the appropriate forum, in the manner known to law. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rnb

To

1.The District Collector
Ariyalur District
Ariyalur-621 704.

2.The Sub Collector/
Revenue Divisional Officer
Ariyalur Sub Divisional
Ariyalur - 621 704.

+2 CC to Mr.S.Gunalan, Advocate SR.No.54912/16 + 54912/16

+1 CC to Mr.P.Vijendran, Advocate SR.No.54933/16

+1 CC to The Government Pleader SR.No.55385/16

CO-VGI
ths "21.10.2016

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