

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25409 of 2016
and W.M.P.No.21729 of 2016

R.Vijayaraj
Power Agent of Prabu Deva

... Petitioner

Vs.

1.The District Collector,
Villupuram District.

2.The Tahsildar,
Villupuram Taluk,
Vilupuram District.

3.The Surveyor,
Villupuram Taluk,
Villupuram District.

4.The Village Administrative Officer,
Krishnapuram Village,
Villupuram District.

5.C.Durai

6.S.Maheswari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 2 to 4 not to grant patta and change the revenue records in favour of the 6th respondent in respect of the properties in Survey Nos.207/4, 208/5, 208/6, 211/4 (Veeranam Village) and Survey Nos.530/1, 531/1, 531/2, 532/1, 532/2 (Krishnapuram Village in Villupuram District) an extent of 1 acre 42 cents till the disposal of the O.S.No.11 of 2015 on the file of the Principle District Munsif Court, Villupuram on the basis of the petitioner representation dated 15.03.2016.

For Petitioner : Mr.C.S.Ravichandran

For Respondents: Mr.R.Govindasamy,
Special Government Pleader [R1 to R4]

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The Power Agent of the Principal had filed O.S.No.11 of 2015 on the file of the Court of Principal District Munsif, Villupuram against Tvl.G.Ramu, S.Alagarappan, S.Perumal Raja and C.Durai praying for declaration to declare that the Sale Deeds bearing Document Nos.325, 326, 327 and 328, dated 11.03.2004 and Document Nos.608 and 609 dated 29.03.2006 as null and void and not binding on the plaintiff and also prayed for permanent injunction restraining the defendants or their agent or servants from interfering with the peaceful possession and enjoyment of the same and pending disposal of the suit, filed I.A.No.33 of 2015 praying for interim injunction and notice have been ordered. The grievance expressed by the petitioner is that despite the pendency of the suit, the private respondents are going to alienate the properties and in this regard, has submitted a representation dated 15.03.2016 to the Tahsildar not to effect the change of patta on account of the pendency of the suit, since no response is forthcoming, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the services of the defendants could not be completed as they are deliberately evading the service of notice and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Heard the submission of Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and would submit that since the petitioner is prosecuting the civil proceedings, the filing of the writ petition would amount to parallel proceedings and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before this Court.

6. As already pointed out, the petitioner, being the Power Agent of principal, has already filed a comprehensive suit in O.S.No.11 of 2015 on the file of the Court of Principal District Munsif, Villupuram and he did not have the benefit of interim order in I.A.No.33 of 2015 filed in the said suit for ad-interim injunction. The petitioner, by submitting a representation to the second respondent requesting them not to grant patta in respect of the alienation made and prays for interim order, which they failed to get before the civil proceedings.

7. In the considered opinion of this Court, the filing of this writ petition is nothing but prosecuting the simultaneous proceedings for the very same relief and the remedy open to the petitioner, if any, to move the trial Court and to get an interim order. Therefore, in the light of the above facts and circumstances and the reasons assigned above, this Court is of the view that the writ petition deserves to be dismissed and accordingly, dismissed at the time of admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Villupuram District.
- 2.The Tahsildar,
Villupuram Taluk,
Vilupuram District.
- 3.The Surveyor,
Villupuram Taluk,
Villupuram District.
- 4.The Village Administrative Officer,
Krishnapuram Village,
Villupuram District.

+lcc to Mr.C.S.Ravichandran, Advocate Sr.41338
+lcc to the Government Pleader sr.41697

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sv[co]
srg 11/08/2016