

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 19.9.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.32581, 32582 of 2016

Adhilakshimi ..W.P.No.32581 of 2016

S.Geetha ...W.P.No.32582 of 2016

Vs.

- 1 The District Collector
Office of the District Collector Kanchipuram
- 2 The Thasildar
Office of the Thasildar Sriperumpudur
Kanchipuram District ...Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus to direct the 2nd respondent to consider the petitioners representation dated 16.8.2016 for surveying the petitioners property and to plant stone around the said land.

For Petitioner ... Mr.S.Senthil Kumar

For Respondents ... Mr.A.N.Thambidurai, Spl.Govt.Pleader

COMMON ORDER

Heard Thiru.S.Senthil Kumar, learned counsel for the petitioners and Thiru.A.N.Thambidurai, Spl.G.P., for the respondents.

2. With the consent of both the sides, the Writ Petition is taken up for disposal.

3. The petitioners seek for a direction upon the second respondent to survey their property.

4. In the affidavit filed in support of the Writ Petition, the petitioners have admitted that there were encroachers in their property. Therefore, they approached the District Munsif Court, Sriperumpathur, by filing suits in O.S.Nos.2 of 2007 and 951 of 2008, and obtained a decree of permanent injunction. For implementing the same, the petitioner in W.P.No.32581 of 2016

filed an execution petition. It is stated that orders were passed in the execution petition in favour of the petitioner, pursuant to which, the petitioner approached the second respondent to survey his land, which has been objected to by the alleged encroachers/ defendants in the suit. Therefore, the petitioner now wants a direction from this Court to the 2nd respondent.

5. Likewise, the petitioner in W.P.No.32582 of 2016 submitted a representation along with necessary documents, requesting the 2nd respondent to survey his property. Since no action has been taken by the 2nd respondent, the petitioner is before this Court.

6. This Court is unable to accede to the request of the petitioners since the matter is seized of by the civil court, since according to the petitioner in W.P.No.32581 of 2016, he has filed a contempt petition before the civil court for punishing the respondents/defendants for deliberate disobedience of the order of court and he has also sought for detention of the said persons in civil prison. Therefore, whatever relief the petitioner wants, he has to seek the same from the civil court and he can always move appropriate interlocutory applications in the pending execution petition for appropriate directions against the second respondent also. Thus, leaving it open to the petitioner to work out his remedy before the civil court, the Writ Petition in W.P.No.32581 of 2016 is disposed of. Similarly, W.P.No.32582 of 2016 is disposed of granting liberty to the petitioner to approach the civil court to get appropriate relief. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

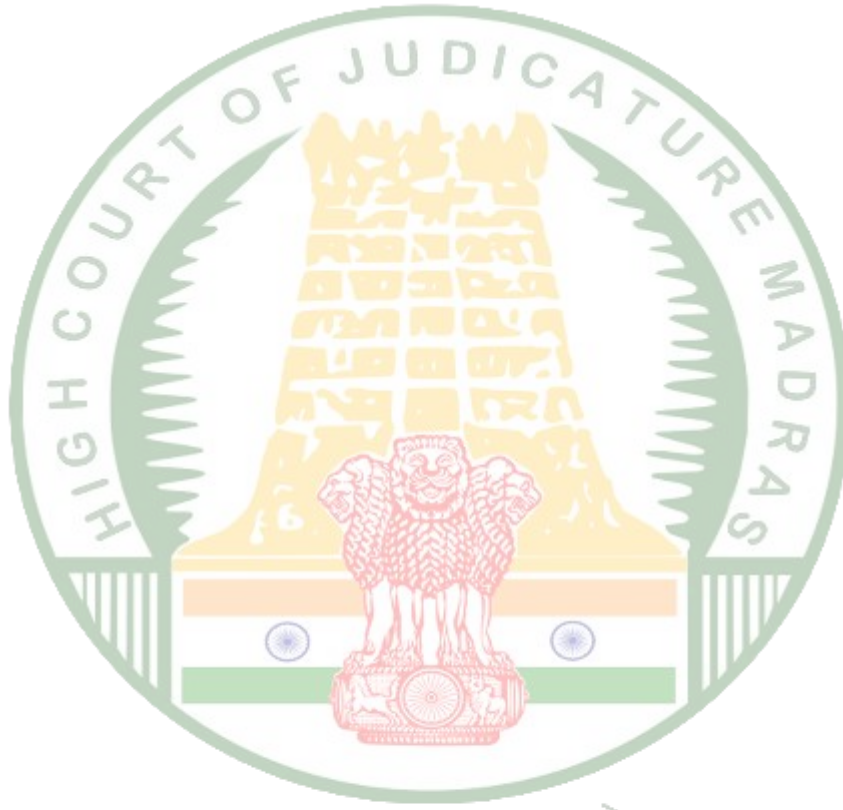
To

- 1 The District Collector,
Office of the District Collector, Kanchipuram.
- 2 The Thasildar,
Office of the Thasildar, Sriperumpudur,
Kanchipuram District.

+ 2 ccs to Mr.S.Senthil Kumar, Advocate Sr 53396 & 53397

+ 1 cc to The Govt.Pleader, Sr 53099 & 53100

KR/26/10/16



सत्यमेव जयते

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