

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2016

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

WP.No.44316 of 2016
and

WMP.No.38184 of 2016

1.P.Muthammal
2.P.Lavakumar

..Petitioners

..Vs..

1.The Collector,
Erode,
Erode District.

2.The Sub Collector,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Bhavani,
Erode District.

4.The Assistant Director,
District Survey Department,
Erode,
Erode District.

5.The Divisional Engineer,
PWD Irrigation Department,
Erode.

6. The Assistant Engineer,
PWD Irrigation Department,
Erode,
Erode District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents to conduct enquiry based on the representation of petitioners dated 09.08.2016, after giving opportunity to the petitioners by survey of the petitioners property, effect

subdivision, and name change in the patta and other revenue records in respect of the Old Survey No.10, now in new R.S.No.425/2, Perunthaliyur Village, Previously Gobichettipalayam Taluk, Now Bhavani Taluk, Kavindapadi Sub Registration District, Bhavani Taluk, Erode District.

For Petitioner : Mr.A.Sundravadhanan
For Respondents: Mr.A.Kumar, Spl.Govt.Pleader

ORDER

Heard the learned counsel appearing for the petitioner and Mr.A.Kumar, learned Special Government Pleader who accepted notice on behalf of the respondents. With their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. It is admitted fact that it is admitted fact that the petitioners have filed a suit in O.S.No.393 of 2016 before the District Munsif Court, Gobichettipalayam for permanent injunction and the same is pending. While so, the petitioners have filed the present writ petition, seeking for the relief stated in the writ petition. Therefore, the prayer of the present writ petition cannot be considered as the suit is pending before the lower Court.

3. Hence, the Writ Petition is dismissed with liberty to the petitioners to pursue the civil suit pending before the Civil Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Erode,
Erode District.

2. The Sub Collector,
Gobichettipalayam,
Erode District.
3. The Tahsildar,
Bhavani,
Erode District.
4. The Assistant Director,
District Survey Department,
Erode District,
Erode.
5. The Divisional Engineer,
PWD Irrigation Department,
Erode District, Erode.
6. The Assistant Engineer,
PWD Irrigation Department,
Erode District,
Erode.

+lcc to Mr.Sundaravadhanan, Advocate, S.R.No.76124
+lcc to the Government Pleader, S.R.No.76374

SSI(CO)
RS(19/01/2017)

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सत्यमेव जयते

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