



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.1223 of 2016

P.Subramanian

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Panchayat Union,
Kariapatti,
Virudhunagar District.

3.The President,
Pandhanenthal Village Panchayat,
Kariapatti Panchayat Union,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from constructing e-Seva Centre or any other building or superstructure in the S.No:161/1, Pandhanendal Village, Kariapatti Taluk, Virudhunagar District which is classified in revenue records as Vacant Natham (Kalimanai).

For Petitioner	: Mr.Prabhu Rajadurai for Mr.S.Balamurugan
For R1	: Mr.M.Rajarajan Government Advocate

ORDER

Mr.M.Rajarajan, learned Government Advocate takes notice for the first respondent.

2.By consent of parties, the main writ petition is taken up for final disposal.

3. The petitioner seeks for a mandamus forbearing the respondents from constructing e-Seva Centre or any other building or superstructure in the S.No.161/1, Pandhanendal Village, Kariapatti Taluk, Virudhunagar District which is classified in revenue records as Vacant Natham (Kalimanai).

4. It is seen that the very same petitioner along with one Arumugam filed O.S.No.281 of 2015 on the file of the District Munsif Court, Aruppukkottai against the very same respondents herein as the



defendants therein seeking for permanent injunction restraining the defendants therein from interfering with the plaintiff's peaceful possession by putting up any construction therein in respect of the very same subject matter of the property.

5. Mr.Prabhu Rajadurai, learned counsel appearing for the petitioner submitted that though the said suit is still pending, the interim application filed by the petitioner could not be taken up as the Presiding Officer before the District Munsif Court has gone on leave.

6. Needless to say that when the petitioner has already approached and filed a suit before the competent civil court seeking for relief as stated supra, he cannot file the present writ petition paralelly seeking for the very same relief. Therefore, I find that the present writ petition is not maintainable. Accordingly, the same is dismissed without expressing any view on the merits and contentions raised by the petitioner in respect of the relief sought for in the writ petition as he has to agitate his rights only in the civil suit which is pending. No costs. Consequently, connected M.P is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Panchayat Union,
Kariapatti,
Virudhunagar District.

3.The President,
Pandhanenthal Village Panchayat,
Kariapatti Panchayat Union,
Virudhunagar District.

+ 1 CC TO M/S.S.BALAMURUGAN, ADVOCATE IN SR NO.3450/16

CM

TE/SKS-RR/ : 09/02/2016 : 2P/5C

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20.01.2016