



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P. (MD) No.13639 of 2016  
and  
W.M.P. (MD) No.10187 of 2016

KR.Alagesan

... Petitioner

-vs-

1.The District Collector  
Sivagangai District  
Sivagangai

2.The Revenue Divisional Officer  
Devakottai  
Sivagangai District

3.The Tahsildar  
Karaikudi Taluk  
Sivagangai District

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents herein from evicting or demolishing the petitioner's property in Old S.No.35/3 Part and New S.No.344/2 to an extent of 0.02.23 Ares situated in Melappungudi Village, Karaikudi Taluk, Sivagangai District without following due process of law.

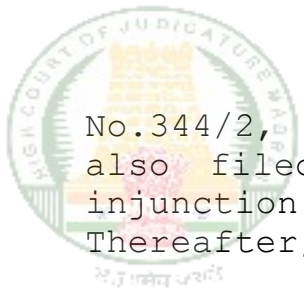
For Petitioner : Mrs.K.Hema Karthikeyan

For Respondents : Mr.M.Alagadevan, Spl. Govt. Pleader

**O R D E R**

**[Order of the Court was made by K.K.SASIDHARAN, J.]**

The petitioner has already filed a suit in O.S.No.84 of 2016, before the Sub Court, Devakottai, for declaration that he is the owner of the property in Old Survey No.35/3 Part and New Survey



No.344/2, situated at Melappungudi Village. The petitioner has also filed an application in I.A.No.338 of 2016 for interim injunction. The Trial Court issued notice to the respondents. Thereafter, the petitioner has filed this writ petition.

2. Since the petitioner has already moved the Civil Court with a suit for declaration, the present writ petition praying for the very same relief is not maintainable. Infact, the relief claimed before the Civil Court is now given a new face by filing a writ of mandamus. We are, therefore, of the view that the petitioner has not made out a case to entertain this writ petition.

3. In the upshot, we dismiss the writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/  
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.
- 3.The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

+1 cc to MR.K.HEMAKARTHIKEYAN, Advocate Sr.No.40821

+1 cc to Special Government Pleader Sr.No.41244

SMA/KP/12/08/2016 :2P/6C

**W.P. (MD) No.13639 of 2016**  
**and**  
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