

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.14303 of 2017 &
W.M.P.No.15498 of 2017

K.N. Balaji Chandrasekar

... Petitioner

v.

1 The Chief Executive Officer
Wellington Cantonment Board
Wellington, The Nilgiris- 643 232.

2 The Estates Officer
Wellington Cantonment Board
Wellington, The Nilgiris- 643 232.

3 S.Mohideen

4 K.Thiyagarajan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus forbearing the respondent 1 & 2 from making any entries in S.No.52 A (553 /24 Part) G.L.R.S.No.552/186 measuring to an extent 12.38 cents of Wellington Cantonment Board, Wellington, The Nilgiris from including the name of the 3rd respondent.

For Petitioner : Mr.J.Bharathiraja

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, forbearing the respondent 1 & 2 from making any entries in S.No.52 A (553 /24 Part), G.L.R.S.No.552/186, measuring an extent 12.38 cents of Wellington Cantonment Board, Wellington, The Nilgiris from including the name of the 3rd respondent

2. It is brought to the notice of this court that the petitioner along with four others have filed a civil suit in O.S.No.256 of 2015, on the file of Subordinate Court of

Nilgiris at Ootacamund, against the respondents 3 and 4, for declaration.

3. Since the civil suit is pending against the petitioner and the respondents 3 and 4, I am of the view that the petitioner can very well file an application for injunction before the trial Court for getting appropriate relief. Therefore, the relief sought for in the present writ petition cannot be granted to the petitioner, in view of the pendency of the civil suit. It is open to the petitioner to move the civil court for appropriate relief.

With these observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Rj

1 The Chief Executive Officer
Wellington Cantonment Board
Wellington
The Nilgiris- 643 232.

2 The Estates Officer
Wellington Cantonment Board
Wellington
The Nilgiris- 643 232.

3. The Subordinate Judge, Nilgiris at
Ootacamund

+1 cc to M/s.J.Bharathiraja Advocate sr 41038

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