

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.713 of 2016 &
W.M.P.No.526 of 2016

S.Varadharaj

... Petitioner

v.

1 The District Revenue Officer
Thiruvallur District, Thiruvallur

2 The Revenue Divisional Officer
Ponneri, Thiruvallur District

3 K.Kuzhanthai Reddy @ Kuzhanthaikan

4 Apoorvammal

5 N.Dhanapathy

6 Ramadass

7 Dhasarathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, forbearing the 1st respondent from proceeding with petition No.6860 of 2009 filed by the respondents 3 to 7 during the pendency of the O.S. No. 18/2010 on the file of the District Munsif Court, Ponneri.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.E.Balamurugan
Addl. Govt. Pleader - for R1 & R2

Mr.K.S.Gnanasambandan - for R3 to R7

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, forbearing the 1st respondent from proceeding with Writ Petition in W.P.No.6860 of 2009 filed by the respondents 3 to 7 during the pendency of the suit in O.S. No.18 of 2010, on the file of the District Munsif Court, Ponneri.

2. It is brought to the notice of this court that the petitioner along with three others filed a suit in O.S.No.18 of 2010 on the file the District Munsif Court, Ponneri for declaration and permanent injunction.

3. The 5th prayer sought for in the suit is identical with the prayer sought for in the present writ petition.

4. Since the petitioner has already filed a civil suit for the very

same relief sought for in the present writ petition, I do not find any reason to entertain the writ petition. In such view of the matter, the writ petition stands dismissed. The learned counsel on either side submitted that the Trial Court may be directed to dispose of the suit in O.S.No.18 of 2010, within a time frame. In view of the submissions made by the learned counsel on either side, I direct the District Munsif Court, Ponneri to dispose of the suit in O.S.No.18 of 2010, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2017

Index: Yes/No

Note : Registry is directed to send the copy of
this order to the District Munsif Court, Ponneri .

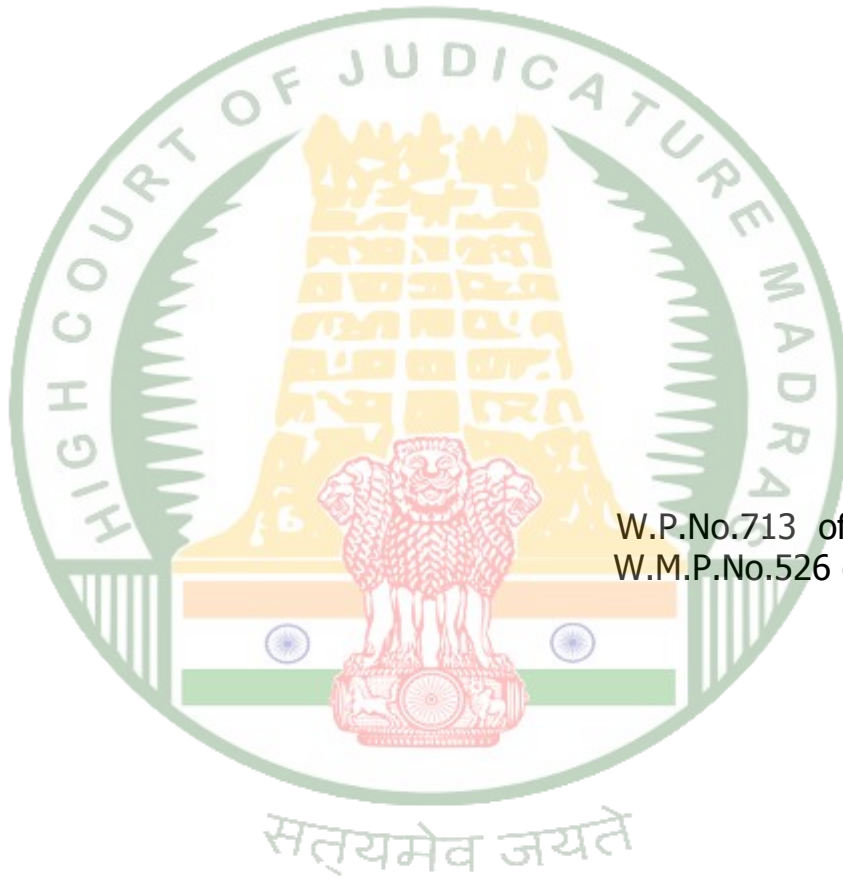
Rj

To

- 1 The District Revenue Officer
Thiruvallur District, Thiruvallur
- 2 The Revenue Divisional Officer
Ponneri, Thiruvallur District

M.DURAI SWAMY,J.

Rj



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