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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) Nos.524 to 527 of 2017

and

C.M.P (MD) .Nos.4485 to 4488 of 2017

Balamurugan	... Appellant in W.A(MD)No.524 of 2017/ Petitioner
Vincent George	... Appellant in W.A(MD)No.525 of 2017/ Petitioner
Savarimuthu	... Appellant in W.A(MD)No.526 of 2017/ Petitioner
Thangakumar	... Appellant in W.A(MD)No.527 of 2017/ Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 4.The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.
- 5.Anbu Prakash,
Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.



6.Arun Selvan

7.Kumaravel

... Respondents/ Respondents in all W.As.

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COMMON PRAYER: Writ Appeals are filed under Clause 15 of Letters Patent, to set aside the common order, dated 27.03.2017 made in W.P(MD)Nos.5244 to 5247 of 2017 on the file of this Court.

Prayer in W.P(MD)Nos.5244 to 5247 of 2017:

Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue Writs of Mandamus forbearing the respondents 4 and 5 from threatening the petitioners to vacate the shop bearing Old Door Nos.31, 30, 29 and 32 respectively Radhapuram Road, Valliyoor, Tirunelveli District.

(In all Writ Appeals)

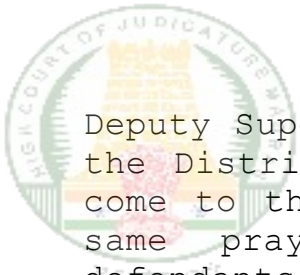
For Appellant	:Mr.R.Krishnamoorthy for M/s.R.Subramanian
For R-1 to R-4	:Mr.V.Muruganandham, Additional Government Pleader
For R-6	:Mr.P.Gunasekaran for Mr.R.Anand

COMMON JUDGMENT

[Judgment of the Court was delivered by T.RAJA, J.]

The present Writ Appeals are directed against the well speaking impugned common order passed by the learned single Judge of this Court in W.P(MD)Nos.5244 to 5247 of 2017, inter alia stating that the respondents 4 and 5 being the Inspector of Police, Valliyoor Police Station, Valliyoor, by misusing their power cannot interfere in a civil dispute pending between the parties. Adding further, it is stated that the respondents 4 and 5 without having any jurisdiction, attempted to interfere with the civil dispute pending between the parties and they are indirectly pressurizing the appellants to give up their right in respect of the appellants' property. But, we are not able to find any justification or merits in the present Writ Appeals for the following two reasons.

2. Firstly, the appellants had already approached the Court of Principal District Munsif Court, Valliyoor in O.S.No.98 of 2016 seeking permanent injunction restraining the defendants Arunselvan and Kumaravel, their men or agents etc., from in any manner interfering with the plaintiffs' peaceful possession. Although the appellants in W.A(MD)Nos.524 and 527 of 2017 have filed a civil <https://hcservices.ecourts.gov.in/hcservices> in O.S.No.98 of 2016 against the Arunselvan, Kumaravel, the Inspector of Police, Valliyoor Police Station, Valliyoor, the



Deputy Superintendent of Police, Valliyoor Division, Valliyoor and the District Collector, it is not known how they are entitled to come to this Court by filing the writ petitions seeking the very same prayer for issuance of injunction against the same defendants/respondents herein, adding two more respondents.

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3. Secondly, it is a well settled position of law that no parallel proceedings is permissible in law. As a matter of fact, when a civil suit in O.S.No.98 of 2016 filed by the appellants in W.A(MD)Nos.524 and 527 of 2017 was dismissed for default on 19.08.2016 and they have moved an application for restoration of the suit in I.A.No.287 of 2017 in O.S.No.98 of 2016 and the same is posted on 27.06.2017 for filing counter.

4. A mere reading of the prayer in the plaint and the affidavit filed in support of the writ petitions clearly shows that the appellants have come to this Court for the same relief. Therefore, we are not able to find out any justification or merits in the present Writ Appeals and therefore, we are not inclined to interfere with the order passed by the learned single Judge of this Court.

5. In the result, these Writ Appeals are dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli District.

3.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

4.The Inspector of Police,
Valliyoor Police Station,
Valliyoor, Tirunelveli District.

+4 CC to M/s.R.SUBRAMANIAN, Advocate, SR No. 56429

+1 CC to M/s.R.ANAND, Advocate, SR No. 56439

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 56479

KM/PM

PSM/RSK/SAR4/18.05.2017/3P/11C