



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.7468 of 2017

and

W.M.P (MD) No.5851 of 2017

Murugan @ Murugavel

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Assistant Director,
Rural Development and
Panchayat Raj Department,
Tirunelveli District.

3.The Block Development Officer,
Radhapuram Panchayat Union,
Tirunelveli District.

4.The Executive Officer,
Kasturirengapuram Village,
Radhapuram Union.

5.Arumugam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to cancel the allotment of funds under the free housing scheme, in favour of the fifth respondent for constructing the house in S.No.811/5A in Kasturirengapuram village, in Radhapuram Taluk in Tirunelveli District by disposing the petitioner's representation dated 07.04.2017.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
(for R1 and R2)

Mr.V.Pandy
Government Advocate (for R3 and R4)

**ORDER**

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the first respondent to cancel the allotment of funds under the free housing scheme, in favour of the fifth respondent for constructing the house in S.No.811/5A in Kasturirengapuram village, in Radhapuram Taluk in Tirunelveli District by disposing of his representation dated 07.04.2017.

2. According to the petitioner, a partition suit in O.S.No.147 of 2016 was pending before the District Munsif Court, Valliyoor. The fifth respondent herein is also party in the said suit. While the competent civil Court is looking into the issue of rival claim as between the petitioner and the fifth respondent and without waiting for outcome of the suit, the petitioner has approached this Court seeking the relief as stated supra.

3. It is always open to the petitioner to obtain necessary and appropriate order as he is a party in the pending suit. However, without exhausting such remedy available to him and having chosen to file the suit for partition before the competent civil court, the present prayer in the writ petition cannot be entertained and the writ petition is also not maintainable.

4. Therefore, the writ petition fails and is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS 1)

/TRUE COPY/

Sub Assistant Registrar

skn

To

1. The District Collector,
Tirunelveli District.

2. The Assistant Director,
Rural Development and
Panchayat Raj Department,
Tirunelveli District.

3. The Block Development Officer,
Radhapuram Panchayat Union,
Tirunelveli District.



4.The Executive Officer,
Kasturirengapuram Village,
Radhapuram Union.

WEB COPY

+1 cc to MR.R.SURIYANARAYANAN , ADVOCATE, SR NO: 53787

JAM/10.05.17/MSA/SAR 3 /3P-6C

W.P. (MD) No.7468 of 2017
and
W.M.P (MD) No.5851 of 2017

21.04.2017