

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5445 of 2018
and W.M.P.No.6711 of 2018

S.Shanmugam

... Petitioner

Vs.

1. The District Collector,
O/o Collectorate,
Erode.
2. The Revenue Divisional Officer,
O/o Revenue Division,
Gopichetypalayam.
3. The Tashildhar,
O/o Tasildhar,
Gopichettypalayam.
4. The Executive Engineer,
Tamilnadu Slum Clearance Board ,
No.978E,Raj Chambers,
Tadagam Road R.S.Puram,
Coimbatore.
5. The Supervising Engineer,
Tamilnadu Slum Clearance Board ,
No.978E,Raj Chambers,
Tadagam Road R.S.Puram,
Coimbatore.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 1st to 5th respondents, or agents or claiming through them from any way interfering the peaceful possession of the petitioner land situated at Survey No.199/1 (New survey No.233/A) comprised an extent of 4 acre 10 cent.

For Petitioner : Mr.P.Tamilvel

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

for R1 to R3
Mr.S.Prabhu,
Standing counsel for R4 and R5

O R D E R

The petitioner seeks for a mandamus forbearing the 1st to 5th respondents from any way interfering with the peaceful possession of the petitioner land situated at Survey No.199/1 (New survey No.233/A) comprised an extent of 4 acre 10 cent.

2. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the respondents 4 and 5 and perused the materials placed before this Court.

3. It is seen from the facts and circumstances as narrated in the affidavit filed in support of the writ petition as well as the documents filed in the typed set of papers that the petitioner has already filed a civil suit before the Civil Court against these respondents for injunction in O.S.No.144 of 2016 and also another suit in O.S.No.127 of 2017 on the file of the District Munsif Court, Gopichettipalayam, and both suits are still pending. When such being the position, the petitioner has chosen to file the present writ petition seeking for the very same relief which in my considered view is not maintainable.

4. Learned counsel appearing for the 4th and 5th respondents, based on instructions, submitted that both suits were already dismissed against the petitioner. However, the learned counsel for the petitioner submitted that those suits are still pending. In any event, as the issue involved in this case has already been seized of by the Civil Court as stated supra, this Writ Petition is not maintainable before the Court. Accordingly, this Writ Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
O/o Collectorate, Erode.
2. The Revenue Divisional Officer,
O/o Revenue Division,
Gopichetypalayam.
3. The Tashildhar,
O/o Tasildhar,
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Coimbatore.
5. The Supervising Engineer,
Tamilnadu Slum Clearance Board ,
No.978E,Raj Chambers,
Tadagam Road R.S.Puram,
Coimbatore.

+1cc to Mr.P.Tamilvel., Advocate, S.R.No.18509

+1cc to Mr.S.Prabhu, Advocate, S.R.No.18506

+1cc to the Government Pleader, S.R.No.18830

W.P.No.5445 of 2018

RRK(28/03/2018)

सत्यमेव जयते

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