

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.1389 of 2018

M.Varadamani
S/o.Munuswamy Pillai

.. Petitioner

Vs.

1. The Tahsildar
Vembakkam Taluk Office
Tiruvannamalai District.
2. The Taluk Surveyor
Vembakkam Taluk Office
Tiruvannamalai District.
3. The Sub Inspector of Police
Moranum Police Station
Cheyyar, Tiruvannamalai District.
4. Jayavelu
Kizhandai New Street
Vadamanapakkam Village and Post
Cheyyaru Taluk
Tiruvannamalai District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to take necessary action to measure the S.No.51A/20 at Vadamanapakkam Village and Post, Vembakkam Taluk (previously Cheyyar Taluk), Tiruvannamalai District belonging to the petitioner, and the third respondent to give necessary protection to the petitioner till the dispute is settled by the first respondent based on petitioner's representation dated 09.12.2017.

For Petitioner : Mr.P.Mohan Raj
For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 to R3

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents for R1 to R3. Since this writ petition is being disposed of, without affecting the interest of

the fourth respondent, notice to the fourth respondent is dispensed with.

2. The petitioner seeks for a mandamus directing the first respondent to measure the property at S.No.51A/20 at Vadamanapakkam Village and Post, Vembakkam Taluk (previously Cheyyar Taluk), Tiruvannamalai District and consequently, seeks for police protection.

3. It is seen that there is a civil dispute between the petitioner and the fourth respondent, which culminated into filing of the suit for bare injunction by the petitioner. It is stated that though the suit was originally decreed, the Appellate Court reversed the findings. It is also stated that the petitioner has filed a Second Appeal before this Court, however, it is yet to be numbered. At this stage, the petitioner seeks for the present relief at the hands of the first respondent. I do not think that the petitioner is entitled to seek such relief from the Revenue Authorities, unless and until, he succeeds in his attempt in the civil litigation pending between him and the fourth respondent. When such being the factual position, the petitioner has to wait for the outcome of the order to be passed in the civil litigation by this Court and thereafter, to approach the first respondent, if he succeeds in the said attempt. Without doing so, the petitioner is not entitled to approach this Court and file the present writ petition seeking for the relief as stated supra.

4. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only with liberty to the petitioner to approach the first respondent, after disposal of the civil suit between him and the fourth respondent. No costs.

Mk

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Tahsildar
Vembakkam Taluk Office
Tiruvannamalai District.

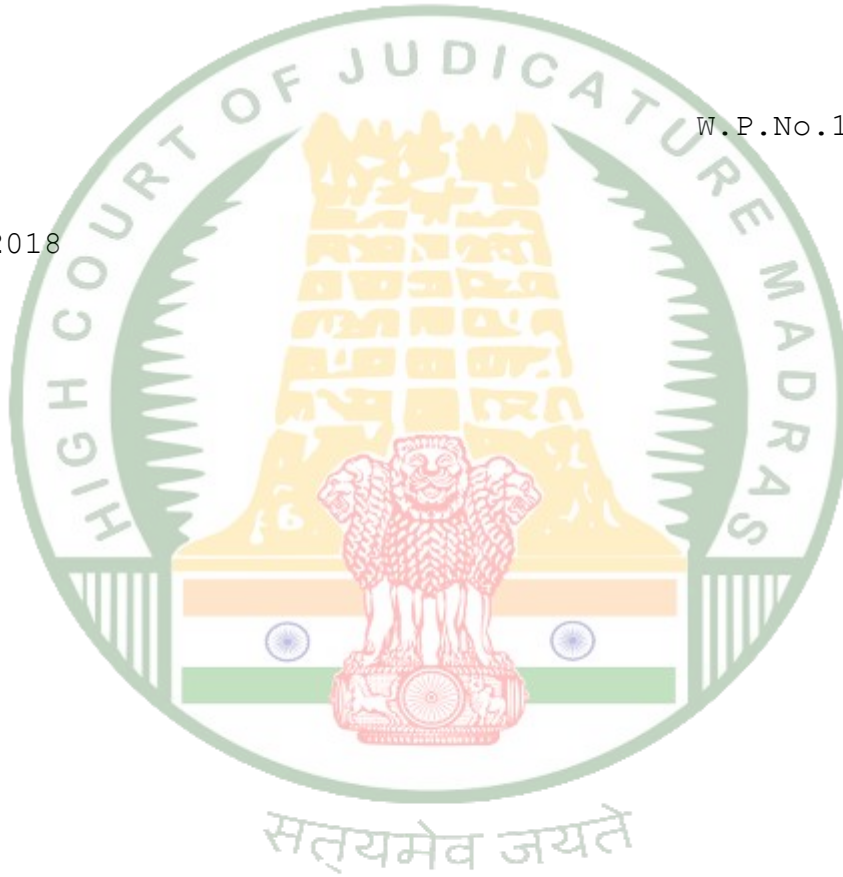
2. The Taluk Surveyor
Vembakkam Taluk Office
Tiruvannamalai District.

3. The Sub Inspector of Police
Moranum Police Station
Cheyyar, Tiruvannamalai District.

+1 C.C. to The Government Pleader SR.NO. 5494

W.P.No.1389 of 2018

KAN (CO)
VS 07.02.2018



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