

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.1611 of 2018

and

WMP.No.2023 of 2018

M.Mohanraj
S/o.Murugesamy

... Petitioner

vs.

1.The Secretary to Government
Revenue Department
Secretariat, Chennai.

2.The Revenue Divisional Officer
Collectorate Buildings
Tiruppur.

3.The Taluk Head Surveyor
Office of the Tahsildar
Palladam, Tiruppur District.

4.K.R.Venkatachalam

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation dated 10.01.2018 made by the petitioner within stipulated time.

For Petitioner : Mr.N.Umapathi

For Respondents : M.Jothi Kumar
Additional Government Pleader
for R1 to R3.

O R D E R

The petitioner seeks for a mandamus directing the second respondent to consider his representation dated 10.01.2018, wherein and whereby he requested the second respondent not to survey the subject matter property and to maintain the same position in respect of the said property on the reason that a suit in O.S.No.407 of 2014 filed by the petitioner, is pending

before the Sub Court, Tiruppur.

2. Heard the learned counsel for the petitioner.

3. Admittedly, the petitioner as the plaintiff, has filed the said suit against one Meenathal and two others for declaration and for permanent injunction. The petitioner claims that the fourth respondent herein has purchased the above said property from one of the defendants in the said suit. The grievance of the petitioner is that the Revenue Officials are trying to survey the subject matter property and alter the Patta, during the pendency of the said suit, at the instance of the fourth respondent. If the petitioner is having any grievance against the defendants in the said suit or any other persons, who are trying to deal with the subject matter property, during the pendency of the suit, it is always open to the petitioner to file an appropriate interim application before the Civil Court, where the suit is pending and seek for interim relief against those persons. Instead of doing so, the petitioner has chosen to approach this Court and file the present writ petition, which in my considered view is not the proper course of action, especially, when the suit filed by the petitioner is still pending for consideration.

4. Therefore, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only by granting liberty to the petitioner to file appropriate interim application before the Civil Court, where the suit is pending against the persons against whom, the petitioner is having grievance, as expressed in this writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mk

To

1.The Secretary to Government
Revenue Department
Secretariat, Chennai.

2.The Revenue Divisional Officer
Collectorate Buildings
Tiruppur.

WEB COPY

3.The Taluk Head Surveyor
Office of the Tahsildar
Palladam, Tiruppur District.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.6152

+1cc to the Government Pleader, S.R.No.6210

W.P.No.1611 of 2018

RRK(08/02/2018)



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