

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.17914 of 2013
and M.P.No.1 of 2013 & WMP.No.8509 of 2017

1. Vishalakshi
2. P.Valliammal

...Petitioners

Vs.

1.The State rep. By its Secretary and
Commissioner of Municipal Administration,
St.Fort George, Chennai.
2 The Commissioner,
Namakkal Municipality,
Namakkal.
3. The District Collector,
Namakkal District,
Namakkal.
4.Revenue Divisional Officer,
Namakkal District, Namakkal.
5.District Revenue Officer,
Namakkal District, Namakkal.
6.The Thasildar,
Namakkal Taluk, Namakkal.
7.The Assistant Director of Survey and Settlement,
Survey Department,
Kamarajar Salai, Chennai-5.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 7th respondent to remove the illegal entries made in the Survey Register in Old Survey No.352, in Namakkal Town, consequentially directing the respondents or their men or agents or any one claiming under them from in any manner interfering with the peaceful possession of the petitioner in Door No.32/21, 36/22, 38/20, 39/19, 40/18, 41/17A, 42/17, North 2nd Street, S.P.Pudur, Namakkal Town.

For Petitioner : M/s.C.Yokesh
For Respondents: Mr.A.Ansar, G.A. (for RR1 & R3 to R7)
Mrs.R.Poornima (for R2)

ORDER

Heard the learned counsel for the petitioners, the learned Government Advocate appearing for the respondents 1 and 3 to 7, and the learned Standing Counsel for the 2nd respondent.

2. It is represented that the connected Writ Petition with the same prayer was rejected by this Court on 28.04.2014 in W.P.No.25598 of 2008. This Court while disposing of the said Writ Petition has observed as follows:

"4. Therefore, this Court finding that the claim made by the petitioner has been opposed by the respondents herein, as above, this Court is not inclined to entertain the writ petition and is of the view that he has to approach the appropriate Civil Court. In fact, the petitioner has also mentioned in paragraph 5 of the affidavit, filed in support of the petition, that he has already filed a Civil Suit in O.S.No.69 of 2009 on the file of the District Munsif Court, Namakkal and the same is also pending. In view of that, this Court is not inclined to entertain a parallel proceedings.

5. Accordingly, this writ petition is dismissed. Consequently, the connected M.Ps. are closed. No costs."

3. This Writ Petition is also dismissed with the same directions as quoted above. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

pvs

To

1. The Secretary and
Commissioner of Municipal Administration,
St.Fort George, Chennai.

2. The Commissioner,
Namakkal Municipality,
Namakkal.

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3.The District Collector,
Namakkal District,
Namakkal.

4.Revenue Divisional Officer,
Namakkal District, Namakkal.

5.District Revenue Officer,
Namakkal District, Namakkal.

6.The Tahsildar,
Namakkal Taluk, Namakkal.

7.The Assistant Director of Survey and Settlement,
Survey Department,
Kamarajar Salai, Chennai-5.

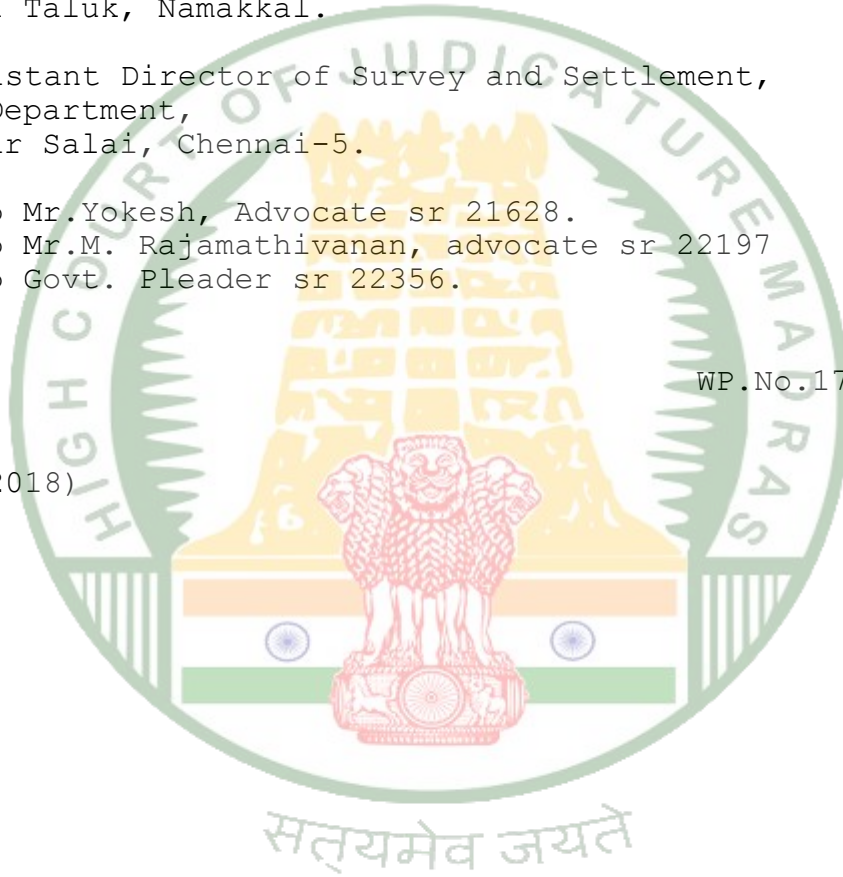
+1 CC to Mr.Yokesh, Advocate sr 21628.

+1 CC to Mr.M. Rajamathivanan, advocate sr 22197

+1 cC to Govt. Pleader sr 22356.

WP.No.17914 of 2013

SP(09/04/2018)



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