

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 27.02.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****W.P. (MD) No.3387 of 2018**

Shanmugavel

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
Kadaladi Taluk Office,
Kadaladi, Ramanathapuram District.
3. The Executive Officer,
Kadaladi Panchayat,
Kadaladi, Ramanathapuram District.
4. The Village Administrative Officer,
Kirandai Panchayat, Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to issue the patta in favour of the petitioner in respect of the property situated at Kirandai Panchayat, Kadaladi Taluk Sayalkudi Post, Ramanathapuram and not to dispossess the petitioner by considering the representation of the petitioner dated 08.01.2018.

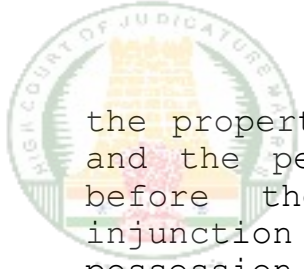
For Petitioner : Mr.M.Rajeshwaran

For Respondents : Mrs.J.Padmavathi Devi,

Special Government Pleader.

ORDER

According to the petitioner, the properties in S.Nos.304/3A, 304/3B, 340/3B 1, 340/3B 2, 340/3, 348, 349/1, 349/2 and 349 situated at Kirandai Panchayat, Kadaladi Taluk, Sayalkudi Post are his ancestral properties and his grandfather, namely Udayar Thevar has purchased the lands in the year 1928. Thereafter, the petitioner has constructed a dwelling house and residing there. Earlier, some third parties had interfered with the possession of



the property, hence, his father filed a suit in O.S.No.203 of 2001 and the petitioner also filed another suit in O.S.No.40 of 2014 before the District Munsif Court, Mudukulathur seeking for injunction restraining the authorities from interfering his possession and the same were also pending. Now, the grievance of the petitioner is that pending the above suits, the respondents are taking steps to interfere his possession. Hence, the present writ petition has been filed.

2. Admittedly, the petitioner already approached the Civil Court by way of filing suits against the District Collector and the Tahsildar seeking for injunction. The same is still pending. If at all the respondents are interfering the petitioner's possession, it is always open to him to approach concerned Civil Court and get an order. Without doing so, the petitioner cannot file this writ petition seeking such relief.

3. In the above circumstances, this writ petition is not maintainable. Accordingly, this writ petition is dismissed. However, it is always open to the petitioner to approach the concerned Civil Court seeking appropriate remedy. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
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Kadaladi, Ramanathapuram District.
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Kadaladi, Ramanathapuram District.
4. The Village Administrative Officer,
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Ramanathapuram District.

Myr
MV:KKR:SAR1:21/03/2018/2P/5C

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