



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M. GOVINDARAJ****W.P (MD) No.9538 of 2018**

Soman

: Petitioner

Vs.

1. The District Collector,
Pudukkottai District.2. The Revenue Divisional Officer,
Pudukkottai District.3. The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

4. Madeena Beevi

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to comply the order of proceedings in O.Mu.E1/6769/2017 dated 10.04.2018 passed by the 1st respondent by considering the representation given by the petitioner in respect of the property in S.No.83/11A situated at Pulichangadu-Kaikatti Village, Alangudi Taluk, Pudukkottai District within the time stipulated by this Court.

For Petitioner

: Mrs.R.Karthika

For R1 to R3

: Mr.S.Dhayalan

Government Advocate

For R4

: Mr.M.Subash Babu

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the third respondent to comply with the order of proceedings passed by the first respondent, in O.Mu.E1/6769/2017, dated 10.04.2018, by considering the representation given by the petitioner, in respect of the property in S.No.83/11A situated at Pulichangadu-Kaikatti Village, Alangudi Taluk, Pudukkottai District within the stipulated time.



2. Heard Mrs.R.Karthika, learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate appearing for the respondents 1 to 3 and Mr.M.Subash Babu, learned counsel appearing for the fourth respondent.

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3. The writ petitioner has given a representation to the first respondent to survey the property in question and remove the encroachment. He has already paid necessary fee to the Revenue Department and the first respondent / District Collector has also directed the third respondent to look into the encroachment made in the property and take further action. Since the third respondent has not taken any action to remove the encroachment made by the fourth respondent, the petitioner has come before this Court for the aforesaid relief.

4. On notice, the fourth respondent filed a counter-affidavit, stating that already the matter is pending before the Sub-Court, Pudukkottai in O.S.No.524 of 2016. The Sub-Court, Pudukkottai, has already appointed an Advocate Commissioner to measure the property in question. The petitioner has not co-operated with the Advocate Commissioner and the Advocate Commissioner had measured the property in the presence of the fourth respondent and her counsel.

5. Since the matter is already pending before the civil Court, it is always open to the petitioner to approach the Sub-Court, Pudukkottai for the same relief. When the parties have availed the alternative remedy before the Civil Court, it is not correct to direct the respondents to survey the property in dispute.

6. In such circumstances, the Writ Petition is not maintainable, in view of the alternative remedy before the Civil Court and accordingly, it is dismissed. No costs. However, it is always open to the petitioner to approach the civil Court for appropriate relief.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai District.

2. The Revenue Divisional Officer,
Pudukkottai District.



3. The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

+1cc to Mrs.R.Karthika, Advocate Sr.No.70304
+1cc to Mr.M.Subash Babu, Advocate Sr.No.70216
+1cc to Spl.Government Pleader Sr.No.70235

NS

VB/RSK/SAR1/12.07.2018/3P/7C

Order made in
W.P (MD) No.9538 of 2018
27.06.2018