



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.18948 of 2015
and
W.M.P.(MD)No.1 of 2015

S.Mohan

... Petitioner

Vs.

1.The Secretary / The Special Officer,
A.1321, Karaikudi Housing Cooperative Society,
Karaikudi,
Sivagangai District.

2.K.Umaiyaal,

3.The Assistant Registrar,
(Housing)
Virudhunagar Zone,
Virudhunagar.

4.S.P.Vellaisamy,
(R4 is impleaded vide Court order
dated 21.11.17 in WMP.(MD).13861/17

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 & 3 from disturbing the peaceful possession and enjoyment of the petitioner in plot No.664 situated at Soodamani Nagar, Survey Ward-3, T.S.No.1339-part, Karaikudi Town and Taluk, Sivagangai District by transferring the allotment to any third party while the allotment order dated 13.03.2000 is in force.

For Petitioner	: Mr.J.Anandkumar
For R1	: Mr.S.Prahalad Ravi
For R2	: Mr.S.Balamurugan
For R3	: Mrs.J.Padmavathi Devi
	Special Government Pleader
For R4	: Mr.K.K.Senthilvelan

ORDER

This Writ Petition has been filed seeking to forbear the Respondents 1 and 3 from disturbing the peaceful possession and enjoyment of the petitioner's property. According to the petitioner, he is in possession and enjoyment of the properties situated in



Plot.No.664 at Soodamani Nagar, Survey Ward-3, T.S.No.1339-Part, Karaikudi Town and Taluk, Sivagangai District, and the respondents are disturbing his possession, hence he has filed the present writ petition.

2. Admittedly, for the very same relief, the petitioner has already filed a suit in O.S.No.185 of 2015 on the file the District Munsif Court, Karaikudi, and the suit is still pending. Since, the petitioner has already approached the Civil Court seeking for similar relief, he cannot maintain the present writ petition. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to raise all the points before the Civil Court. No costs. consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar

To

The Assistant Registrar,
(Housing)
Virudhunagar Zone,
Virudhunagar.

+1cc to M/S.J.Anandkumar, Advocate SR.No. 49488
+1cc to M/S.S.Prahalad Ravi, Advocate SR.No. 49530
+1cc to M/S.K.K.Senthilvelan, Advocate SR.No. 49064

W.P. (MD) No.18948 of 2015
and
W.M.P. (MD) No.1 of 2015
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SMI/VSG
JM/SKN RSK/SAR 2/01.03.2018/2P/5C