

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-07-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2559 of 2013

1.M.Vijayakumar
2.Mrs.V.Vanitha

Appellants

-vs-

1. A.Muniappan
 2. The District Revenue Officer,
Kancheepuram District,
having Office at the District Collectorate,
Kancheepuram Town, Taluk and District.
 3. The Revenue Divisional Officer,
Kancheepuram, having Office at
The District Collectorate,
Kancheepuram Town, Taluk and District.
 4. The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur Town and Taluk,
Sriperumbudur District.
 5. The Village Administrative Officer,
Ayyappanthangal Village,
Sriperumbudur Taluk,
Kancheepuram District.
- Respondents

Appeal under Clause 15 of the Letters Patent against the Order, dated 09.04.2013, passed in W.P.No.9575 of 2013 on the file of this Court.

Prayer in W.P.No.9575 of 2013: Writ petition is filed under Article 226 of the Constitution of India praying for a Writ of mandamus directing the respondents 2 to 4 to implement the orders of the first respondent in Na.Ka.No.223/2012 N.3 dated 25.09.2012 within the time granted by this Hon'ble Court and for such or other suitable directions as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.V.Raghupathi
for M/s.G.Devi

For Respondent 1 : Mrs.A.Sumathy

JUDGMENT

(By Dr.Vineet Kothari,J.)

Appellant-Mr.M.Vijayakumar, Son of Mr.P.Munusamy, claiming to be the Power of Attorney of one Mrs.V.Vanitha, has filed this Writ Appeal, seeking Leave to appeal against the order of a learned Single Judge, dated 09.04.2013, by which, W.P.No.9573 of 2013, filed by Mr.A.Muniappan, who is the first respondent in the present Writ Appeal, was disposed of with a direction to the third respondent therein, namely, the Tahsildar, Sriperumbudur, to consider the direction issued by the first respondent therein, namely, District Revenue Officer, Kancheepuram, to look into the complaint given by the writ petitioner-Mr.A.Muniappan and pass appropriate orders.

2. Leave to appeal was granted by a co-ordinate Bench of this Court on 31.10.2013. Hence, this Appeal, at the instance of a Third Party.

3. Paragraph 3 of the said order passed by the learned Single Judge is quoted below for ready reference :

''3. Having regard to the fact of the case and the direction issued by the first respondent to the third respondent to look into the complaint given by the petitioner and to pass appropriate orders, I am inclined to direct the third respondent to consider the direction issued by the first respondent on 25.09.2012 in Na.Ka.No.223/2012 N.3 and pass orders on merits and in accordance with law, after hearing the petitioner, Vijayakumar and others, if any, within a period of three months from the date of receipt of a copy of this order.''

4. Learned counsel for the Appellant submitted before us that a Civil Suit viz., O.S.No.176 of 2012 has been filed by the present Appellant and the same is pending on the file of District Munsif Court, Sriperumbudur, a copy of which has been placed on record by the Appellant.

5. The Suit O.S.No.176 of 2012 has been filed, seeking Declaration of Proprietary Rights over the property, measuring 8 ½ Cents in Survey No.288, New Survey No.288/26, Iyyappanthangal Village, Chennai-56. The said Suit is pending trial on the file of District Munsif Court, Sriperumbudur, as stated above.

6. The above fact is not disputed by the learned counsel for the first Respondent-Mr.A.Muniappan.

7. Having heard the learned counsels for the parties, we are of the opinion that since a Civil Suit about the Declaration of Rights of the parties is pending before the competent Civil Court, Writ Petition under Article 226 of the Constitution of India, in such cases, cannot be entertained for deciding either the civil rights of the parties or for even directing the Respondent-Authorities to decide any representation till such Suit is decided.

8. Therefore, we relegate the parties to the Civil Court in the aforesaid Civil Suit and the respective rights of the parties can be determined by the said Court in accordance with law.

9. With the above observation, this Writ Appeal is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The District Revenue Officer,
Kancheepuram District,
having Office at the District Collectorate,
Kancheepuram Town, Taluk and District.
2. The Revenue Divisional Officer,
Kancheepuram, having Office at
The District Collectorate,
Kancheepuram Town, Taluk and District.
3. The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur Town and Taluk,
Sriperumbudur District.

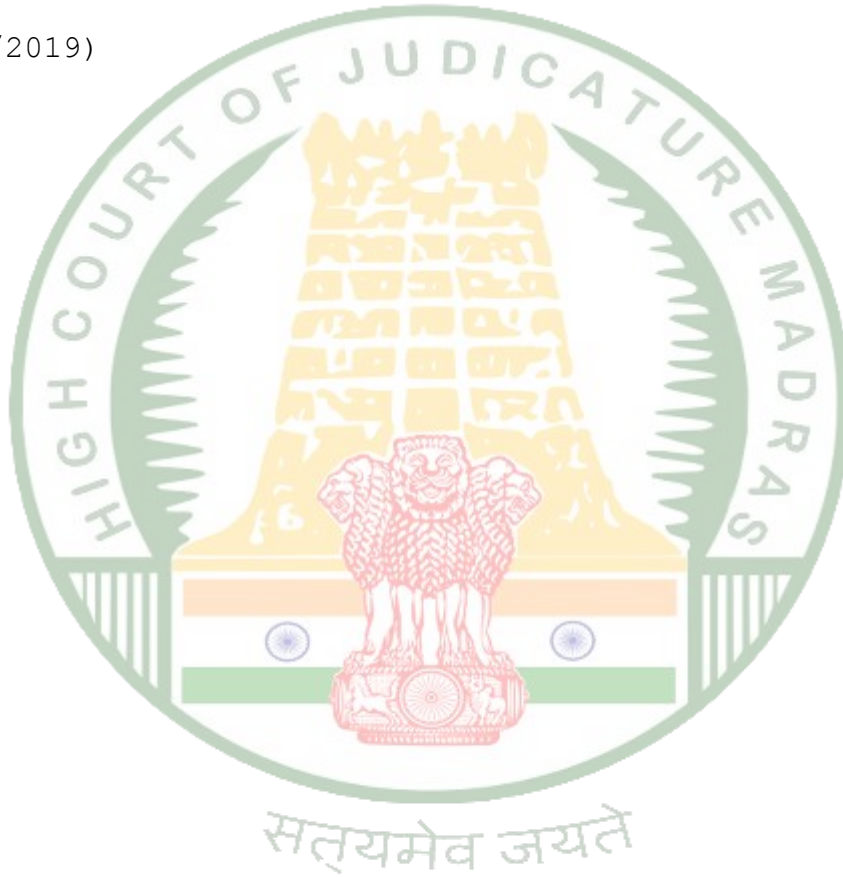
4. The Village Administrative Officer,
Ayyappanthangal Village,
Sriperumbudur Taluk,
Kancheepuram District.

+1 cc to Mr.V.Raghupathi, Advocate, S.R.No.63245

+1 cc to Mrs.A.Sumathy, Advocate, S.R.No.63201

W.A.No.2559 OF 2013

PM(CO)
SSM(29/08/2019)



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