

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3153 of 2019
and
WMP No.3418 of 2019

1.Kothandan
2.Vasundaradevi
3.V.K.Hari Prakash

... Petitioners

vs.

1.The District Collector,
Thiruvallur Collector Office,
Thiruvallur District.

2.The Assistant Settlement Officer (North),
Office of the Principal Secretary &
Commissioner of Land Survey and Settlement,
Chepauk, Chennai 600 005.

3.The Tahsildar,
Poonamallee Taluk Office,
Thiruvallur District.

4.The Tamil Nadu Slum Clearance Board,
Rep. by its Principal Secretary/Managing Director,
No.2, Kamarajasalai, Chennai 600 005.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of mandamus to forbear the first respondent to allot the lands in favour of the fourth respondent and consequently forbear the respondents from disturbing the peaceful possession of the petitioners lands measuring to an extent of 0.40 cents in Survey Nos.22/1, Noombal Village, Ambattur Taluk, Thiruvallur District, till disposal of the suit before the District Court, Thiruvallur.

For Petitioner : Mr.Ami V.Kataria

For Respondents : Mr.E.Balmurugan for R1 to R3
Special Government Pleader
Mr.B.S.Sundaramoorthi for R4

ORDER

This writ petition is filed seeking for a mandamus to forbear the first respondent to allot the lands in favour of the fourth respondent and consequently forbear the respondents from disturbing the peaceful possession of the petitioners lands measuring to an extent of 0.40 cents in Survey Nos.22/1, Noombal Village, Ambattur Taluk, Thiruvallur District, till disposal of the suit before the District Court, Thiruvallur.

2. It is seen that the very same petitioners have already filed a suit before the Principal District Court, Thiruvallur on 11.01.2019, seeking for the following reliefs:

a) Declaring the right, title and interest of the 1st plaintiff to the suit B schedule property and for a consequential relief of permanent injunction thereby restraining the defendants and their men, agents, servants, departmental persons, subordinates and others authorized by them from interfering with the 1st plaintiff's peaceful possession and enjoyment of suit B schedule property;

b) Declaring the right, title and interest of the 2nd plaintiff to the suit C schedule property and for a consequential relief of permanent

injunction thereby restraining the defendants and their men, agents, servants, departmental persons, subordinates and others authorized by them from interfering with the 2nd plaintiff's peaceful possession and enjoyment of suit C schedule property;

c) Declaring the right, title and interest of the 3rd plaintiff to the suit D schedule property and for a consequential relief of permanent injunction thereby restraining the defendants and their men, agents, servants, departmental persons, subordinates and others authorized by them from interfering with the 3rd plaintiff's peaceful possession and enjoyment of suit D schedule property;

d) For a declaration and for setting aside the order of the 2nd Defendant passed in Na.Ka.E1/5154/2015 dated 31.10.2017 as null and void and that the same is not at all valid and binding upon the plaintiffs;

e) For a declaration and for setting aside the letter of the 1st Defendant in Na.Ka.28676/2017/No.1 dated 08.11.2018 as null and void and that the same is not at all valid and binding upon the plaintiffs;

f) Directing change of classification in respect of suit A schedule property in the Revenue Records to "Punja" from that of "Punja Anadheenam" by granting a relief of Mandatory Injunction;

g) Directing the Defendants 1 to 3 to issue Revenue Pattas in favour of the plaintiffs in respect of the suit B, C and D schedule properties respectively by granting a relief of Mandatory Injunction:

h) Directing the defendants to pay to the plaintiffs the cost of the suit.

3. It is stated that the matter is thus pending before the Civil Court. The learned counsel contended that since the petitioner is not in a position to get any interim relief in the said suit immediately, the present writ petition is filed seeking for the relief as stated supra. I do not think that the above course of action is appreciable, since the petitioners have to work out their remedy in the suit, which is already filed before the Civil Court as stated supra. Therefore, the present writ petition cannot be entertained any further. Accordingly, this writ petition is disposed of, by granting liberty to the petitioner to agitate the matter before the Civil Court including by way of seeking any interim protection. No costs. The connected miscellaneous petition is closed.

08.02.2019

To

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K.RAVICHANDRABAABU,J.

vri



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