

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :: 30.01.2019

CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.34265 OF 2005

S.DEAIVASIGAMANI

...Petitioner

Vs

1.THE DISTRICT COLLECTOR
VELLORE DIST

2.THE REVENUE DIVISIONAL OFFICER
RANIPET, VELLORE DISTRICT.

3.THE THASILDHAR
ARAKKONAM TALUK, VELLORE DISTRICT.

4.THE REVENUE INSPECTOR
PANAPAKKAM VILLAGE,
VELLORE DISTRICT.

...Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the Dstraint Order on the file of the 3rd respondent in reference No.Nil dated 15.09.2005 and quash the same and forbearing the respondents 1 to 4 from attaching the property of the petitioner.

For petitioner ... Mr.P.Ganapathy

For respondents ... Mrs.R.Janaki, A.G.P.

O R D E R

The dstraint order issued by the third respondent in proceedings dated 15.09.2005 is sought to be quashed in the present Writ Petition.

2. The dstraint order was passed pursuant to the decree passed by the civil court in O.S.No.239 of 2002, on the file of the Subordinate Court at Ranipet. The learned counsel for the petitioner also admits the fact that the decree was enforced against the Writ Petitioner and based on the decree, the respondent passed an order of dstraint for the purpose of realizing the decree amount.

3. This Court is of the opinion that since the action of the public officials is based on the Civil Court decree, the Writ Petitioner is at liberty to redress his grievances by preferring an appeal against the decree or by approaching the competent civil court for appropriate relief by filing interlocutory application or otherwise.

4. The learned counsel for the petitioner states that the petitioner has already filed an interlocutory application, seeking appropriate relief. If any such application is pending, then the present Writ Petition cannot be entertained under Article 226 of the Constitution of India. However, it is left open to the Writ Petitioner to redress his remedy in the manner known to law, before the competent Court of law, since the decree is already against the Writ Petitioner.

5. With these observations, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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EV(CO)

rrs 15/03/2019