



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33153 of 2012
and M.P.No.2 of 2012

1.Kumaravel
2.Velusamy

...Petitioners

vs.

1.The District Collector,
Erode.

2.President, Village Panchayat,
Ganapathipalayam,
Erode.

3.S.Kadhirvel

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of Certiorari, to call for the records of the 1st respondent's order dated 08.11.2012 bearing proceeding No.Sea.Mu.Pa.1522/2012/A4 and quash the same.

For Petitioners : Mr.Mukunth
for M/s.Sarvabhauman Associates
For Respondents : Mr.R.S.Selvam for R1 & R2
Government Advocate
Mr.V.Raghavachari for R3

ORDER

This writ petition has been filed by the petitioner challenging the impugned order No.Sea.Mu.Pa.1522/2012/A4 dated 08.11.2012, passed by the first respondent.

2.Heard Mr.Mukunth, learned counsel for the petitioner, Mr.R.S.Selvam, learned Government Advocate for the first and second respondents and Mr.V.Raghavachari, learned counsel for the third respondent.



3.The learned counsel for the petitioners submitted that the suits have been filed both by the petitioner as well as the third respondent against each other, which are still pending. According to him, O.S.No.556 of 2008 has been filed by the petitioner against the third respondent before the II Additional District Munsif Court, Erode and the third respondent has filed a suit against the petitioner in O.S.No.391 of 2010 before the same Court and the subject matter of the suits is also the subject matter of this writ petition. Since disputed questions of fact are involved, a writ petition is not maintainable.

4.The learned counsel for the petitioner submits the petitioner will workout his remedy sought for in this writ petition in the suit O.S.No.556 of 2008 filed by him against the third respondent.

5.Recording the submission of the learned counsel for the petitioner, the writ petition is disposed of by permitting the petitioner to work out his remedy in the suit O.S.No.556 of 2008 filed by him against the third respondent which is now pending on the file of the II Additional District Munsif Court, Erode. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(JJ Act)

// True Copy//

Sub Assistant Registrar

pam

To

1. The District Collector, Erode.
- 2.The II Additional District Munsif Court, Erode.

+1cc to Mr.R.Selvam, Advocate, SR.No.104471.
+1cc to M/s.Sarvabhauman Associates, Advocate, SR.No.1054247.
+1cc to Mr.V.Ragavachari, Advocate, SR.No.104230.
+1cc to Government Pleader, SR.No.104865.

W.P.No.33153 of 2012

BP(CO)
CSR: 07.02.2020