

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8901 of 2019

and

W.M.P.No.9449 of 2019

A.Jeevarathinam

...Petitioner

Vs.

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
3. The Revenue Divisional Officer,
Ponneri Taluk, Thiruvallur District.
4. The Tahsildhar,
Ponneri Taluk, Thiruvallur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to not to initiate any proceedings against the petitioner's schedule property without ensuring the boundaries of the petition schedule property through O.S.No.15/2018 and to take appropriate action based on the representation given by the petitioner dated 09.02.2019.

SCHEDULE OF PROPERTY

All that piece and parcel of land and building with all amenities, the residential property, situated at Thiruvallur District, Ponneri Taluk, North-Chennai Registration District, Ponneri Sub-Registration District, Chennivakkam Village, (No.76, Thachchur group of villages) as per Patta No.312 comprised in old Survey No.136/2C, New Survey No.136/2C2, measuring an extent of 1296 sq.ft. out of 0.38.5 ares or 95 cents, (presently in survey Nos.136/2C2A1 and 136/2C2C to an extent of 0.29.60 ares).

Bounded on:

North by : Sri Velmurugan Nagar, Plot Nos.21, 22 and 20
feet road,
South by : Survey No.125/2 property,
East by : Survey No.125/2 property,
West by : Survey No.136/2C1 Velammal Avenue.

For Petitioner : Ms.R.Radha Pandian

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed seeking for the following relief:

To direct the respondents not to initiate any proceedings against the petitioner's schedule property without ensuring the boundaries of the petition schedule property through O.S.No.15/2018 and to take appropriate action based on the representation given by the petitioner dated 09.02.2019.

3. The very same petitioner has earlier filed a writ petition in W.P.No.13635 of 2018, seeking for the very same relief and this Court, by order dated 08.06.2018, disposed the said writ petition with a direction to the petitioner to take out appropriate application in the pending suit with a specific prayer for appointment of a Surveyor to measure the property and if any such application is filed, the learned District Munsif, Ponneri shall consider and dispose of the same in accordance with law expeditiously.

4. When such an order was already passed in the said writ petition, the petitioner, instead of working out his remedy before the Civil Court, as directed by this Court, has come forward to file the present writ petition with the above relief once again, which in my considered view, is an abuse of process of Court. Accordingly, this writ petition fails and the same is dismissed, in view of the order already passed in W.P.No.13635 of 2018 dated 08.06.2018. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

sni/mk

To

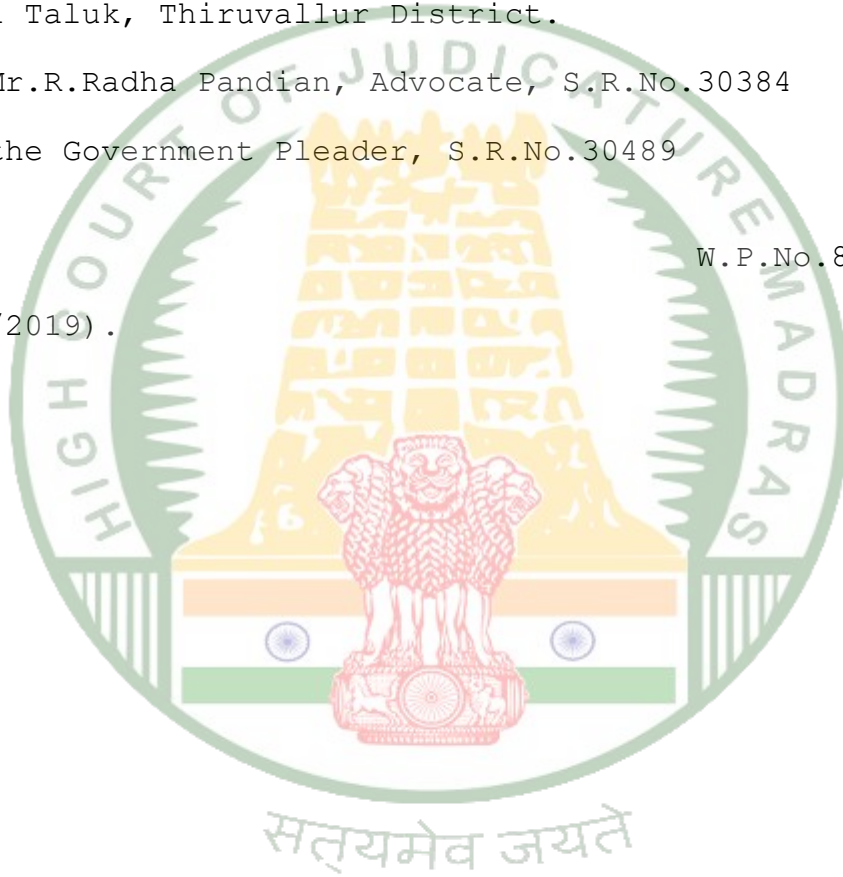
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Ponneri Taluk, Thiruvallur District.

+1 cc to Mr.R.Radha Pandian, Advocate, S.R.No.30384

+1 cc to the Government Pleader, S.R.No.30489

NRL(CO)
SSM(03/05/2019) .

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