

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7448 of 2016

K.C.Deepak Kumar @ K.C.Sridharan

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Petitioner

-vs-

1. The District Collector
Krishnagiri District
Krishnagiri
2. The Tahsildar
Krishnagiri Taluk
Krishnagiri District
3. The Superintendent of Police
Krishnagiri District
Krishnagiri
4. The Inspector of Police
Maharajakadai Police Station
Krishnagiri District
5. K.Munusamy

Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third and fourth respondents to provide police aid to survey the petitioner's land by the first and second respondents herein bearing Survey No.752/28B, Patta No.776, Village Site No.587/2, Patta Plot No.28.B, house site measuring about 0.0037 acre situated at No.69, Kattunaickenapalli, Krishnagiri Taluk, Krishnagiri District.

For Petitioner

:: No appearance

For Respondents

:: Mr.E.Balamurugan
Special Government Pleader
for R1 to 4
No appearance for R5

ORDER

Mr.K.C.Deepak Kumar alias K.C.Sridharan has filed this writ petition seeking issuance of a mandamus directing the Superintendent of Police, Krishnagiri District and the Inspector of Police, Maharajakadai Police Station, Krishnagiri District, the respondents 3 & 4 to provide police aid to survey his land covered in Survey No.752/28B, Patta No.776, Village Site No.587/2, Patta Plot No.28.B, house site measuring about 0.0037 acre situated at No.69, Kattunaickenapalli, Krishnagiri Taluk, Krishnagiri District.

2. No one appeared for the petitioner.

3. Learned Special Government Pleader for the respondents 1 to 4 submitted that the writ petition is not maintainable in law, in view of the admitted statement made by the petitioner that Mr.K.Munusamy, the fifth respondent herein has already filed a civil suit in O.S.No.105 of 2015 on the file of the learned District Munsif, Krishnagiri seeking permanent injunction against the official respondents not to survey or measure the suit property, as he is the pattadhar and the patta has been issued by the Government. He also submitted that the said suit is still pending.

4. A perusal of the plaint filed in O.S.No.105 of 2015 by the fifth respondent shows that the petitioner is not entitled to move the present writ petition, when the suit filed by the fifth respondent for permanent injunction against the official respondents not to measure the suit property is still pending. Therefore, the writ petition is dismissed as not maintainable. Consequently, W.M.P.No.6667 of 2016 is also dismissed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

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To

1. The District Collector
Krishnagiri District
Krishnagiri
2. The Tahsildar
Krishnagiri Taluk
Krishnagiri District
3. The Superintendent of Police
Krishnagiri District, Krishnagiri
4. The Inspector of Police
Maharajakadai Police Station
Krishnagiri District

+lcc to Government Pleader SR.NO. 94122

W.P.No.7448 of 2016

nr 18/12/2019



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