



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P (MD) NO.13933 OF 2019

and

W.M.P (MD) No.10416 of 2019

Janaki

:Petitioner

.vs.

1. The District Collector,
Office of the District Collector,
Tirunelveli.
2. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
3. The Tahsildar,
Office of the Tahsildar,
Palayamkkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from in any manner dispossessing the Petitioner from the Petitioner's property comprised in S.No.487/1B/2A, measuring an extent of one acre and 74 cents situated at Kulavanivarpuram Village, Palayamkkottai Taluk, Tirunelveli District.

For Petitioner

:Mr.S.Vinayak

For Respondents
1 and 3

:Mr.VR.Shanmuganathan
Special Govt.Pleader

For Respondent-2

:Mr.Aayiram K.Selvakumar

**O R D E R***********

[Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

This Writ Petition is filed seeking for a mandamus forbearing the respondents from in any manner dispossessing the Petitioner from the Petitioner's property comprised in S.No.487/1B/2A, measuring an extent of one acre and 74 cents situated at Kulavanivarpuram Village, Palayamkkottai Taluk, Tirunelveli District.

2.Heard the learned counsel appearing for the Petitioner and the learned Special Government Pleader appearing for the respondents 1 and 3 and the learned counsel appearing for the second respondent/Corporation.

3.It is not in dispute that the Petitioner has already filed O.S.No.321 of 2016, on the file of the District Munsif Court, Tirunelveli against the very same respondents as party-defendants therein seeking permanent injunction restraining the defendants therein from interfering with the Petitioner's peaceful possession and enjoyment of the subject-matter property. The said suit is still pending. When such being the position, the present Writ Petition is filed for the relief as stated supra.

4.We are not inclined to entertain the present Writ Petition for the simple reason that the suit filed by the Petitioner for the very same relief is pending and hence it is for the Petitioner to work out before the Civil Court by pursuing the suit also by filing interlocutory application, if so warrants. Without resorting to such remedy, the Petitioner has approached this Court and filed the present Writ Petition, amounting to parallel litigation on the same cause of action, and thus not maintainable.

5.Therefore, this Writ Petition is disposed of by granting liberty to the Petitioner to pursue his remedy before the Civil Court, where Civil Suit is pending. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



1. The District Collector,
Office of the District Collector,
Tirunelveli.

2. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3. The Tahsildar,
Office of the Tahsildar,
Palayamkottai,
Tirunelveli District.

+1cc to M/S.AAYIRAM K. SELVAKUMAR, Advocate, Sr.No.70526

+1cc to M/S.S.VINAYAK, Advocate, Sr.No.70604

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.70961

ORDER MADE IN
W.P (MD) NO.13933 OF 2019
and
W.M.P (MD) No.10416 of 2019
21.06.2019

BUC (26/06/2019) 3P/7C