



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16967 of 2019

and

W.M.P. (MD)No.13534 of 2019

Urmelalagiyan Arulmigu Kulasekara Amman

Thirukkivil Komaratharkal Trust

Represented by its Presidet

P.Karthikeyan

: Petitioner

Vs.

1. The Block Development Officer,
Kadayanallur Panchayat Union,
Kadayanallur,
Tirunelveli District.

2. The Tahsildar,
Kadayanallur taluk,
Kadayanallur,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the first respondent's notice in Na.Ka.No.A3/1147/2019, dated 22.07.2019 and quash the same.

For Petitioner : Mr.M.Mohamed Sherbudeen

For R-1 : Mr.R.Sethuraman

For R-2 : Mr.M.Karuppasamy
Government Advocate

O R D E R

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

This writ petition is filed challenging the proceedings of the first respondent, dated 22.07.2019, wherein and whereby the

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petitioner was called upon to remove the encroachment made in the properties referred to in the impugned notice.

2.Heard the learned counsel for the petitioner; the learned counsel appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

3.Though several contentions are raised in this writ petition questioning the impugned proceedings, we are not inclined to entertain the writ petition for the simple reason that the petitioner has already approached the Civil Court viz., the Principal District Munsif Court, Tenkasi and filed a suit seeking for declaration and for permanent injunction against the respondents herein as well as three other official respondents. It is stated that an application filed therein under Section 80 (2) of C.P.C. in I.A.No.2 of 2019 is pending. Since the petitioner has already chosen to approach the Civil Court to seek certain reliefs including for a declaration to declare that the eviction proceedings initiated by the defendants 1 and 2 therein are unsustainable, it is for the petitioner to pursue such remedy before the Civil Court. Without doing so, the present writ petition filed by the petitioner cannot be entertained as we find that it amounts to resorting of parallel proceedings against the very same impugned action.

4.Accordingly, by granting liberty to the petitioner to work out his remedy before the Civil Court, where the Civil suit is already filed, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

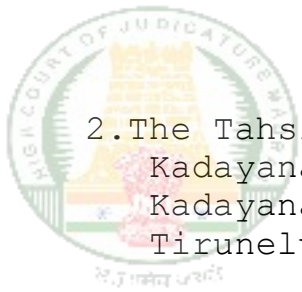
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Block Development Officer,
Kadayanallur Panchayat Union,
Kadayanallur,
Tirunelveli District.



2.The Tahsildar,
Kadayanallur taluk,
Kadayanallur,
Tirunelveli District.

+1 CC to M/s.M.MOHAMED SHERBUDEEN, Advocate (SR-79184[F] dated
01/08/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-79280[F] dated
01/08/2019)

W.P. (MD)No.16967 of 2019
31.07.2019

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AE/ (14.08.2019) 3P 5C