

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.460 of 2020
and C.M.P.No.7060 of 2020

V.Deivanayagam ... Appellant

-vs-

- 1.The District Collector,
Cuddalore District, Cuddalore.
- 2.The Commissioner,
Nellikuppam Municipality,
Nellikuppam.
- 3.The Tahsildar,
Panruti Taluk, Panruti.
- 4.The District Surveyor,
Cuddalore District, Cuddalore.
- 5.The Taluk Surveyor,
Panruti, Cuddalore District. .. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 07.11.2019 passed in W.P.No.31435 of 2019 on the file of this Court.

Prayer in WP.No.31435 of 2019:Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuea Writ of Certiorarified Mandamus, Calling for the Records of the 2nd respondent notice dated 02/08/2019 under Na.Ka.No.1396/2015/F1, posted on 26/08/2019 received by the Petition on 27/08/2019 and quash the same as illegal and invalid and consequently direct the Respondent not to measure or Survey the Lands in

Survey Nos.93,110,111,112,113, and 114, Panruti Taluk, Nellikuppam Sub Registry Nellikuppam Municipal Limits, Nellikuppam, Town Khan Shahib Abdul Razack Road which are classified as Gramanatham category until the disposal of OS.No.130 of 2010 pending the disposal of O.S.No.130 of 2010 pending on the file of District Munsif Court, Panruti

For Appellant : Mr.D.Ashokkumar

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate
for RR 1 and 3 to 5

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2.Learned counsel for the appellant contends that the appellant would be put to unnecessary litigation and process of enquiry when he has already filed a suit and therefore, such enquiry proceedings should not be permitted to go on.

3.The learned single Judge has not entertained the writ petition on the ground that whatever decision is taken by the civil Court will be binding on the authorities as well.

4.Having considered the submissions raised, we agree with what the learned single Judge has opined and therefore, without prejudice to the rights of the appellant in the pending suit, we see no reason to interfere in the matter.

The Writ Appeal is consigned to records with the said observations. No costs. Consequently, C.M.P.No.7060 of 2020 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

- 1.The District Collector,
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Nellikuppam.
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W.A.No.460 of 2020

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