



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 24.01.2020  
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P. (MD) No.16964 of 2015  
and  
M.P. (MD) No.1 of 2015

P.Ramasubbiah

... Petitioner

vs.

- 1.The District Collector,  
Tuticorin District, Tuticorin.
  - 2.The Principal Chief Conservator of Forest,  
Head of Forest Force, Chennai - 600 015.
  - 3.The Conservatory of Forest,  
Tirunelveli Circle, N.G.O. "A" Colony, Tirunelveli -7.
  - 4.The Chairman,  
V.O.Chairman Fort Trust of Tuticorin,  
Tuticorin District.
- ... Respondents

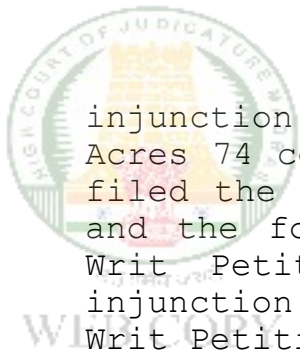
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forebear the respondents 1 to 3 herein from in any manner interfering with the petitioner's peaceful possession and enjoyment of the land in S.No.348, Mullakadu Village, measuring to an extent of 4.74 acres or in any manner whatsoever.

For Petitioner : Mr.N.Anandkumar  
For R1 to R3 : Mr.A.Muthu Karuppan  
Additional Government Pleader  
For R4 : Mr.G.Anbusaravanan

### **ORDER**

This Writ Petition is filed for issuing a Writ of Mandamus to forbear the respondents 1 to 3 from in any manner interfering the petitioner's peaceful possession and enjoyment of the land in S.No.348, Mullakadu Village, measuring an extent of 4.74 acres.

2.The petitioner claims title to the property by referring to several transactions. The petitioner himself admits that he has filed Civil suit in O.S.No.5 of 2012 on the file of the District Court, Tuticorin for declaration of his title and consequential



injunction in respect of the same property, ie., an extent of 4 Acres 74 cents in S.No.348, Mullakadu Village. The petitioner, who filed the suit for declaration and injunction as against the State and the fourth respondent, has now come forward with the present Writ Petition, which is similar to the prayer for permanent injunction. The petitioner cannot seek parallel remedy. Hence, this Writ Petition cannot be entertained.

3.The learned Counsel for the petitioner submitted that the suit filed by the petitioner has been decreed and that therefore, the Writ Petition has to be allowed. However, the petitioner has not produced before this Court, the decree of Civil Court. Assuming that the petitioner has obtained a decree for declaration of his title and injunction, the petitioner can approach the revenue authorities for getting patta and protect his possession by filing petitioner by filing petition under Order 2 Rule 32 CPC. However, filing of this Writ Petition with a prayer, which is similar to the prayer in the suit, is improper and no one can be permitted to seek parallel remedy. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The District Collector,  
Tuticorin District, Tuticorin.
- 2.The Principal Chief Conservator of Forest,  
Head of Forest Force, Chennai - 600 015.
- 3.The Conservatory of Forest,  
Tirunelveli Circle, N.G.O. "A" Colony,  
Tirunelveli -7.

+1 CC to M/s.SPL.GP ( SR-3166[F] dated 27/01/2020 )

W.P. (MD) No.16964 of 2015  
24.01.2020

cmr

SDS (11.02.2020) 2P-5C