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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WP.No.6194 of 2021

And

W.M.P.No. 6817 of 2021

[Video Conferencing]

V.Palanisamy

... Petitioner

Versus

State Rep. by

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Special Thasildhar
SIPCOT Land Acquisition Cell
Dharmapuri.
3. Palaniyammal
4. Murgan
5. Rajikannu
6. Krishnamoorthy
7. Jeyavel
8. Poomani
9. Selvam

... Respondents

PRAYER : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondents 1 & 2 from awarding or disbursing the compensation amount to the respondents 3 to 9 until the suit in O.S.No. 17 of 2017 on the file of the District Munsif Court, Dharmapuri, is finally adjudicated and consider of the petitioner's representation dated 30.01.2021 on merits and in accordance with law after due notice to the petitioner, before



proceeding with any land acquisition process in respect of the land comprised in Survey No. 333/3 having an extent of 5 Acres (in Hectare 2.02.0 Theervai 3.80) with well, situated at Thanangam Village, Nallmapalli Taluk in Dharmapuri District.

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For Petitioner : Mr.K.Gandhi Kumar
For RR 1 & 2 : Mr.K.M.D.Muhilan
Government Advocate
For RR 4 to 9 : Mr.P.Valliappan
for M/s. PV.Law Associates

ORDER

This Writ Petition has been filed in the nature of Mandamus forbearing the first and second respondents, namely, the District Collector, Dharmapuri District, Dharmapuri and the Special Thasildhar, SIPCOT Land Acquisition Cell, Dharmapuri, from disbursing the compensation amount to the respondents 3 to 9, who are private individuals, till the suit in O.S.No. 17 of 2017 on the file of the District Munsif Court, Dharmapuri, is finally adjudicated and also to consider of the representation of the petitioner dated 30.01.2021.

2. It appears that the petitioner is deeply involved with the litigation in the aforesaid mentioned suit, namely, O.S.No. 17 of 2017 with the third to ninth respondents herein. That suit had been filed for a declaration that a Gift Deed executed by the mother Chinnammal and also for a grant of injunction and also not to disburse the compensation amount to the respondents 3 to 9.

3. In the said suit, an Interlocutory Application was also filed in I.A.No. 46 of 2017. It is seen that one of the relief sought in the suit was also not to disburse the compensation amount to the respondents 3 to 9 herein. The same relief has also been sought in the Writ Petition. Approaching two separate Forum for the same relief cannot be appreciated. It has to be condemned.

4. There cannot be a better example of forum shopping. The petitioner herein approached a Civil Court and simultaneously also approached this Court for the very same relief. This would be inviting two separate Courts to pass orders on the same set of facts. The sanctity of the Court cannot be purged in such a manner.

5. It appears that the present Writ Petition originally came up for hearing in the first occasion on 11.03.2021 when the



learned Special Government Pleader took notice on behalf of the first and second respondents and the Court directed notice to the third to ninth respondents.

6. The learned counsel at that point should have informed the Court that the same relief had been sought in the Trial Court and as a matter of fact, I.A.No. 46 of 2019 had also been filed which had been closed and thereafter, he had approached this Court. He had not divulged such information. If such information had been divulged in the first instance, I am confident that this Court would not have taken up the matter at all for consideration.

7. Be that as it may, I am also informed that by Bill dated 16.03.2019 and Reserve Bank of India payment dated 19.03.2019, the amount had been directly credited to the Bank accounts of Jeyavel, Poomani and Selvam, the respondent Nos. 7 to 9 herein.

8. The Writ Petition is dismissed giving liberty to the petitioner to work out his remedy in manner known to law. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Special Thasildhar
SIPCOT Land Acquisition Cell
Dharmapuri.

+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No.39927

+1cc to Mr.P.Valliappan, Advocate, S.R.No.39897

W.P.No.6194 of 2021 And
W.M.P.No. 6817 of 2021

KSM(CO)
RLP(31/08/2021)