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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.A.NO.890 OF 2016

D.Vijayalakshmi

... Appellant/Petitioner

vs

State represented by

1. The Chief Secretary / Vigilance Commissioner,
Fort St. George,
Secretariat, Chennai 600 009.
2. The Secretary,
Personnel and Administrative Reforms Department,
Fort St.George,
Secretariat, Chennai 600 009.
3. The Secretary,
Revenue Department,
Fort St.George,
Secretariat, Chennai 600 009.
4. The District Collector,
Coimbatore District,
Coimbatore - 18.
5. The Regional Divisional Officer,
State Bank Road,
Coimbatore District, Coimbatore - 18.
6. The District Revenue Officer,
State Bank Road,
Coimbatore District,
Coimbatore - 18.
7. The Village Administrative Officer,
Karuppa Gownder Street,
Coimbatore - 1.



8. The Revenue Inspector,
Karuppa Gownder Street,
Coimbatore -1.

9. The Commissioner,
Police Commissioner Office,
Coimbatore - 18.

10. The Tahsildar,
Coimbatore South Taluk Office,
Coimbatore - 18.

11. N.Bikash ChB era,
10,11, Senthuruman Lane,
M.N.G.Sreet,
Coimbatore - 1.

12. N.TutunBera,
10,11, Senthuruman Lane,
M.N.G.Street,
Coimbatore - 1.

... Respondents/Respondents

Prayer:

Writ Appeal filed under clause 15 of the Letters Patent against the order dated 02.06.2016 in W.P.No.3708 of 2016 on the file of this Court.

Prayer in W.P.No.3708 of 2016:-

Petition filed under Article 226 of the Constitution of India, directing the 1 to 10 respondents to consider and to take necessary action on the petitioner representation letter dated 20.12.2015 on the persons and officials who involved and helped in this illegal act of transferring the name in the town survey registry.

For Appellant	:	Ms.D.Vijayalakshmi Party-in-Person.
For Respondents 1 to 10	:	Mr.T.Arunkumar, Government Advocate
For Respondents 11 and 12:	:	Mr.N.Ishtag Ahmed

JUDGMENT

[Judgment of the Court was delivered by T.RAJA, J.]

This writ appeal has been directed against the impugned order dated 02.06.2016 passed in W.P. No.3708 of 2016.



2. Mrs. D. Vijayalakshmi, petitioner/party in person, who appeared before the learned Single Judge and before us, argued that when respondents 11 and 12 have mutated the revenue records, she came before this Court invoking Article 226 of the Constitution of India for issuance of writ of mandamus directing the official respondents to take necessary action against the persons mentioned in her representation dated 20.12.2015 for transferring the name in the Town Survey Register. But, without considering her grievance, the learned Single Judge, dismissed the writ petition filed by her, which is untenable.

3. At this stage, learned Government Advocate appearing for respondents 1 to 10 submitted that the petitioner/party in person has impleaded the above parties, namely, the Chief Secretary/Vigilance Commissioner, the Secretary, Personnel and Administrative Reforms Department, the Secretary, Revenue Department, the District Collector, Coimbatore District, the Regional Divisional Officer, Coimbatore District, the District Revenue Officer, Coimbatore District, the Village Administrative Officer, Coimbatore - 1, the Revenue Inspector, Coimbatore - 1, the Commissioner, Coimbatore - 18, the Tahsildar, Coimbatore - 18 as respondents 1 to 10 without there being any valid reason and for a simple prayer, which is not legally maintainable. This Court, after considering the claim of the appellant, while coming to the conclusion that Original Suits in O.S. Nos. 269 and 455 of 2010 are pending on the file of the II Additional Sub Court, Coimbatore and that the appellant has not filed any document to show that the revenue records in respect of the property in question, has been transferred in the name of respondents 11 and 12, has held that no relief can be granted in favour of the appellant. Accordingly, while dismissing the above petition, has given liberty to the appellant to work out her remedy before the Civil Court by getting appropriate title of the land in question. Therefore, the writ appeal is liable to be dismissed.

4. We fully agree with the submissions made by the learned Government Advocate appearing for respondents 1 to 10. The reason being that when the appellant has not come to this Court with any acceptable document, we are unable to take up this appeal. Secondly, the issue relates to the rival claims among the family members in respect of the suit property pending in O.S. Nos. 269 and 455 of 2010 on the file of the II Additional Coimbatore Sub Court, Coimbatore for declaring the genuineness of the Will executed in her favour.

5. Therefore, when it is a well settled legal position that no parallel proceedings can be pursued, more particularly, under Article 226 of the Constitution of India, we are not inclined to entertain this appeal. Since there is no error or infirmity in



the order passed by the learned Single Judge, this Writ Appeal is liable to be dismissed. Accordingly, this Writ Appeal stands dismissed. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The Chief Secretary / Vigilance Commissioner,
Fort St.George,
Secretariat, Chennai 600 009.
2. The Secretary,
Personnel and Administrative Reforms Department,
Fort St.George,
Secretariat, Chennai 600 009.
3. The Secretary,
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Coimbatore -1.



9. The Commissioner,
Police Commissioner Office,
Coimbatore - 18.

10. The Tahsildar,
Coimbatore South Taluk Office,
Coimbatore - 18.

11. The II Additional Subordinate Judge,
Coimbatore.

+1cc to Mr. N. Ishtag Ahmed, Advocate, S.R.No.50020

+1cc to the Government Pleader, S.R.No.50550

W.A.No.890 of 2016

SJ(CO)
PM/12/11/2021