

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.16437/2021 & WMP.No.17407/2021

[Video Conferencing]

- 1.A.Arokiamary
- 2.A.Jayaraj
- 3.A.Soundaraj
- 4.A.Anthonraj
- 5.A.Nirmala

... Petitioners

Versus

- 1.The District Collector
Cuddalore District
Cuddalore 601 001.

- 2.District Adi Dravidar Welfare Officer
Cuddalore District, Cuddalore.

- 3.The Special Tahsildar
Adi-Dravida Welfare, Cuddalore.

- 4.The Tahsildar
Panruti,
Cuddalore.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents from interfering with the petitioners peaceful possession and enjoyment in S.No.17/1 measuring 2.10.0 hectares panikankuppam village, Panruti Taluk, Cuddalore District pursuant to the judgment and decree passed against the respondents in OS.No.274/1998 on the file of the District Munsiff Court dated 10.03.2006.

For Petitioners : Mr.M.S.Palaniswamy
For Respondents : Mr.K.M.D.Muhilan
Government Advocate

ORDER

- (1) Mr.K.M.D.Muhilan, learned Government Advocate accepts notice on behalf of the respondents.
- (2) The petitioners herein, had earlier filed OS.No.274/1998 on the file of the learned District Munsif, at Panruti, questioning interference of peaceful possession of their property by the respondents herein. The said property lies in S.No.17/1 and measures 2.10.0 Hectares in

Panickankuppam Village, Panruti Taluk, Cuddalore District. The petitioners had the benefit of a judgment and decree dated 10.03.2006, granting permanent injunction, restraining the defendants therein, viz., the District Collector, Cuddalore District and the Tahsildar, Panruti, from interfering with the peaceful possession.

- (3) This writ petition has also been filed for a mandamus seeking a direction forbearing the respondents, again the District Collector, and also the Tahsildar, Panruti and also two other officials, viz., the District Adi Dravidar Welfare Officer, Cuddalore and Special Tahsildar, Adi Dravidar Welfare Officer, Cuddalore, from interfering with the same property which is in S.No.17/1 measuring 2.10.0 Hectares in Panikankuppam village, Panruti Taluk, Cuddalore District.
- (4) Seeking the same relief in two different Forums cannot be encouraged. Having had the benefit of a judgment and decree, it would only be appropriate that if any interference is caused, violating such judgment, the petitioners should approach the very same Court which granted the said judgment, complaining of such violation.

Moving over to the High Court by filing a writ petition is not the proper procedure to be followed and this cannot be encouraged.

- (5) The learned Government Advocate states that the 4[1] Notification had been issued in the year 1986 and the suit had been filed in the year 1998. He also raises an objection as to the maintainability of the suit citing Section 17 of the Land Acquisition Act, 1894, which stipulates a bar to civil proceedings.
- (6) I am not entering into a discussion on that aspect, and that is an aspect which has to be addressed only before the learned District Munsiff concerned.
- (7) The petitioners herein seek enforcement of the decree and the respondents herein may also approach the Court seeking declaration that the said decree is null and void in view of the specific bar under section 17 of the said Act. Both parties may approach the said Court within a period of two weeks from the date of receipt of a copy of this order. Till that time, viz., till **31.08.2021**, the respondents shall not proceed further. But, after that date, they are at liberty to proceed further.

- (8) The writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

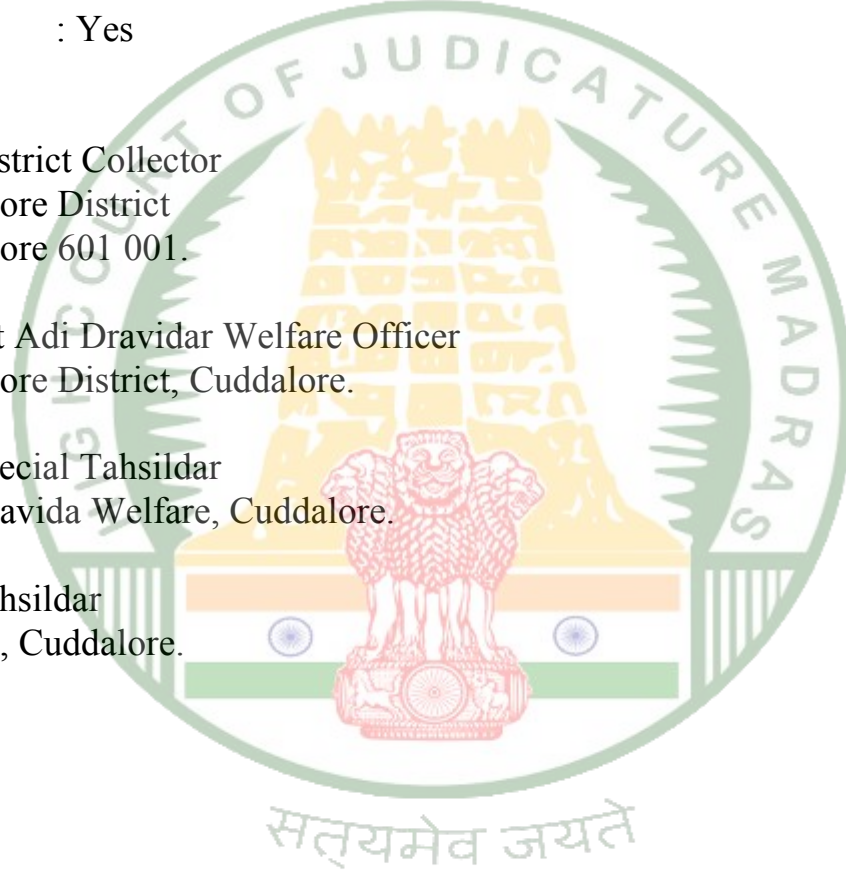
06.08.2021

AP

Internet : Yes

To

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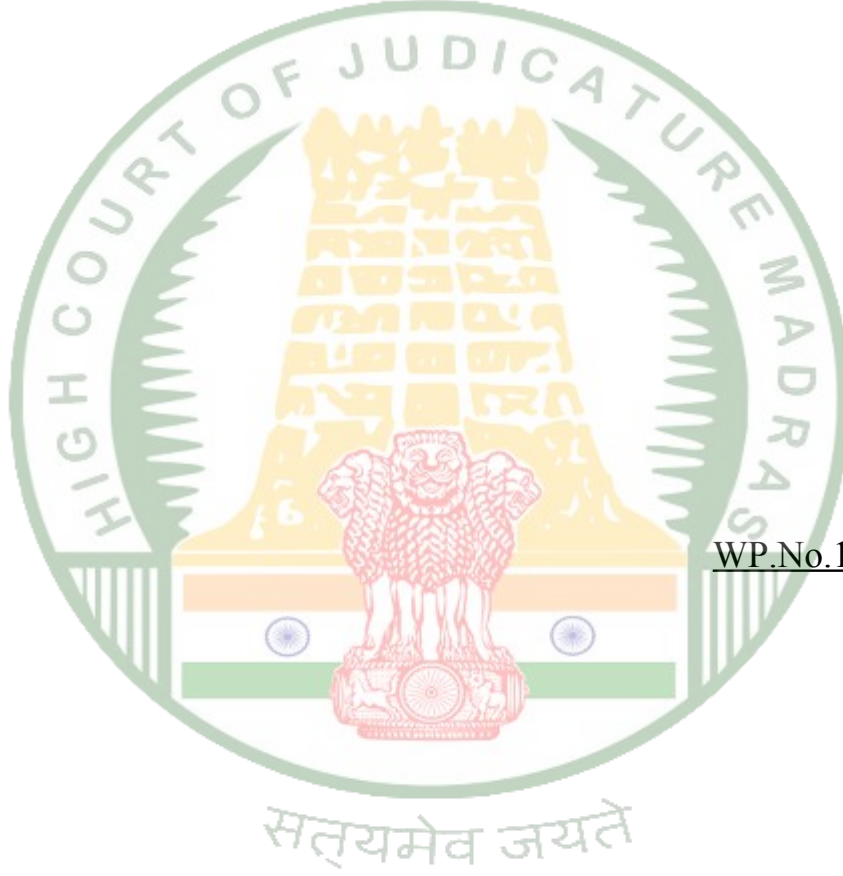


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C.V.KARTHIKEYAN, J.,

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