



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.628 of 2021

and

W.M.P. (MD) No.536 of 2021

WEB COPY

AEON Trust represented by its
Managing Director,
P.Thirupathiraj,
G1, Harihara Apartment,
20, Wahab Street,
Choolaimedu,
Chennai 600 094.

.. Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Collector / Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

4.V.Ashokan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to direct the respondents 2 and 3 and other subordinates not to interfere with the civil dispute pendentlite in OS.No.7/2020 on the file of the learned District Munsif Court, Kodaikanal in order to extend their helping hands to the 4th respondent and directing the 2nd respondent to relegate the 4th respondent to work out the reliefs in pending suit on the basis of petitioner's representation dated 31-12-2020.

For Petitioner : Mr.I.Sam Jegan

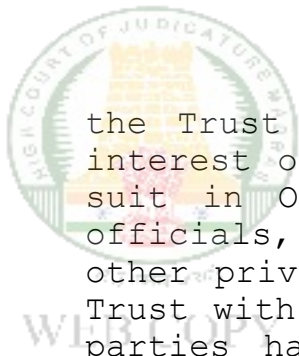
For R1 to R3 : Mr.M.Thilagar

Government Advocate

ORDER

The petitioner is a registered Trust and claims to be involved in research in the matter of Science, Philosophy and other systems of knowledge. The Trust is also involved in the publication of articles and other modes of propagation of the Trust ideas without any motive of profits.

2.The grievance of the petitioner is that the 4th respondent, who was associated with the Trust, had developed ill will towards



the Trust and was engaging himself in the activities against the interest of the Trust. Therefore, the petitioner has filed a civil suit in O.S.No.7 of 2020 for injunction as against the revenue officials, namely, The Revenue Divisional Officer, Kodaikanal and other private parties, who were acting against the interest of the Trust with malicious intention. According to the Trust, the private parties have been repeatedly acting against the interest of the Trust and its properties.

3.In the circumstances, the present writ petition has been filed seeking for issuance of Writ of Mandamus, directing the revenue officials not to interfere with the properties of the Trust, pending the civil suit.

4.Heard Mr.I.Sam Jegan, learned counsel appearing for the petitioner and Mr.M.Thilagar, learned Government Advocate appearing for the respondents 1 to 3.

5.This Court is not inclined to entertain this writ petition for the simple reason that when the civil dispute is pending before the competent civil Court, the question of approaching this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India does not arise at all. When the parties are before the civil Court, it is always open to the parties to workout their remedies in the pending suit and any protective order can always be obtained from the civil Court. However, it is certainly not open to the petitioner herein to invoke the constitutional jurisdiction of this Court to protect his interest, pending the civil dispute. This Court is of the view that this writ petition is misconceived and ought not to be entertained.

6.The petitioner cannot maintain a parallel proceedings before the High Court and seek any direction, as if this Court is bound to supplement any orders to be passed by the civil Court. When the matter is pending before competent civil Court, it is imperative on the part of the petitioner to approach that Court for obtaining any orders and it is certainly not open to the petitioner to approach this Court in a parallel proceedings and this Court is of the view that such attempt by the petitioner is an abuse of process of Court and therefore, it must be rejected outright. Therefore, this Writ Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI ACT)

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/ /2021

Sub Assistant Registrar(CS)



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Collector / Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1 CC to M/s.GP (SR-1352[F] dated 20/01/2021)

+1 CC to M/s.I.SAM JEGAN, Advocate (SR-1486[F] dated 20/01/2021)

W.P. (MD) No.628 of 2021
19.01.2021

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KB(18.02.2021) 3P 6C