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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P.(MD)No.2452 of 2021

and WMP (MD) No.2040/2021

(Through Video Conferencing)

Muniyasamy : Petitioner

Vs.

1.The District Collector
Ramanathapuram District
Ramanathapuram.

2.The Tahsildar,
Muthukulathoor Taluk
Ramanathapuram District.

3.The Block Development Officer,
Muthukulathoor Taluk
Ramanathapuram District.

4.The President
Kilathooval Panchayat,
Muthukulathoor Taluk
Ramanathapuram District.

5.Thirunavukkarasu : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to forbear the respondents from evicting the petitioner and his family members from their land in Survey Nos.98/2 & 276, situating in the Keelathooval Village, Muthukulathoor Taluk, Ramanathapuram District without following the due process of law and consequently to direct the respondents that not to disturb the peaceful occupation of the petitioner's family in the above mentioned lands and further to direct the respondents to take appropriate action for removing the fencing made by the 4th respondent from the petitioner's above mentioned land by considering the petitioner's representation dated 22.10.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthick
For Respondents : Mrs.J.Padmavathi Devi for R1 & R2
Special Government pleader
Mr.J.Gunaseelan Muthiah for R3 & R4,
Additional Government Pleader

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ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner seeks a writ of Mandamus forbearing the respondents from evicting him without following due process of law.

2. On perusal of the typed set of papers, the petitioner has already filed a suit in O.S.No.16/2020 on the file of the District Munsif Court, Mudukulathur against the respondents herein. The said suit is still pending. Therefore, the remedy open to the petitioner is to get appropriate orders in the said suit. The petitioner cannot be permitted to maintain parallel proceedings for the same relief.

3. In such view of the matter, the writ petition stands closed. However, we make it clear that the civil Court will have to consider the interim application, which is pending on its own merits. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

To

1.The District Collector
Ramanathapuram District
Ramanathapuram.

2.The Tahsildar,
Muthukulathoor Taluk
Ramanathapuram District.

3.The Block Development Officer,
Muthukulathoor Taluk
Ramanathapuram District.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-4320[F] dated 10/02/2021)

W.P.(MD)No.2452 of 2021
Dated: 10.02.2021

PK(CO)
KK(23.02.2021) 2P 5C

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