



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD) No.18689 of 2020

and

W.M.P(MD)No.15628 of 2020

WEB COPY

A.Bose @ Alagarsamy .. Petitioner

Vs

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.C.Velmurugan .. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned order of the 1st respondent vide his proceedings in Ni.Mu.No.Je2/32449/2020, dated 11.11.2020 and quash the same as illegal.

For Petitioner	: Mr.T.Vadivelan
For R1 & R2	: Mr.M.Karuppasamy Government Advocate
For R3	: Mr.G.Shankar Ganesh

ORDER

This writ petition has been filed to quash the impugned order of the 1st respondent passed vide his proceedings in Ni.Mu.No.Je2/32449/2020, dated 11.11.2020.

2.When the matter is taken up for hearing the learned Counsel appearing for the 3rd respondent submitted that the very same petitioner has chosen to approach the District Munsif Court, Thirumangalam and filed a suit in O.S.No.224 of 2020 in regard to the subject matter of this writ petition.

3.Having chosen to go before the civil Court and filed a suit on 22.11.2020, the petitioner has approached this Court and filed the present writ petition in December 2020 for the same cause of action, after filing the suit. Therefore, on this ground alone this writ petition is liable to be dismissed.

4.Even otherwise, Mr.M.Karuppasamy, learned Government Advocate appearing for the official respondents would circulate a draft affidavit, referring to paragraph No.4 of the affidavit, which



reads as follows:

"4.a. The Government of Tamil Nadu while removing the ^{2nd} revision power in terms of RSO 31(8) from the Commissioner of Land Administration and vesting the same with the civil court having jurisdiction has observed that the revenue machinery is not empowered to decide the question of title in G.O.Ms.No.409 Revenue Department, dated 02.07.2008."

5.Be that as it may, when the petitioner has chosen to approach the civil court rightly, this Court is not inclined to entertain the writ petition any further. The attempt of the petitioner in filing the present writ petition would amount to forum shopping and such a practice should be deprecated and discouraged. In any event, since the petitioner has invoked the jurisdiction of the civil Court, this writ petition need not be entertained any further.

6.In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is dismissed

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-3328[F] dated 04/02/2021)

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ES (CO)

KB(18.02.2021) 2P 4C