



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2674 of 2021

AGAINST

W.P.No.15539 of 2021

D.Mohanraj

.. Appellant / 4th Respondent

Vs

1. M.Rose

2. The District Collector
Kancheepuram District
Kanchipuram.

3. The Tahsildar
Taluk Office
Walajabad
Kanchipuram District.

4. The Head Surveyor
Taluk Office
Walajabad, Kanchipuram District.

.. Respondents / Petitioners /
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 16.08.2021 in W.P.No.15539 of 2021.

Prayer in W.P.No.15539 of 2021: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1st to 3rd Respondents to consider the petitioner representation dated 17.07.2021 within stipulated period and consequently direct the 2nd Respondent to pass an speaking order against 4th Respondent.



WEB COPY

For the Appellant : Mr.P.Satheesh Kumar
For the Respondents : Mr.T.V.G.Kartheeban for R1
Mr.P.Muthukumar
State Government Pleader
for RR 2 to 4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

By this writ appeal, a challenge is made to the judgment dated 16.08.2021, where the writ petition was disposed of by the learned Single Judge giving certain directions to the Tahsildar, Walajabad.

2. The writ petition was pressed by the petitioner / non-appellant making allegations against the officer, even though he was not made a party to the writ petition. We find that the issue is pending before Civil Court and pending suit, in the absence of provisions, the Tahsildar would have no role to play. Yet, the learned Single Judge has given a direction to the Tahsildar to take up the matter and decide the same within 20 weeks.

3. The order of the learned Single Judge cannot be accepted when the matter is pending in the Civil Court. The litigation of the same nature and regarding the same property cannot be brought before different forums. Such practice has to be deprecated. Thus, the order of the learned Single Judge is set aside and, the writ appeal is allowed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST

To

1. The District Collector
Kancheepuram District
Kanchipuram.



2. The Tahsildar
Taluk Office
Walajabad
Kanchipuram District.

3. The Head Surveyor
Taluk Office
Walajabad, Kanchipuram District.

+lcc to Mr.P.Satheesh Kumar, Advocate, S.R.No.24783
+lcc to Mr.T.V.G.Kartheeban, Advocate, S.R.No.24171
+lcc to the Government Pleader, S.R.No.24927

W.A.No.2674 of 2021

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NSK 21/04/2022