



W.P.(MD)No.15545 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15545 of 2022

and

W.M.P.(MD)Nos.11200 & 11201 of 2022

P.Maran

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Tahsildhar,
Madurai South Taluk,
Madurai.

3.Senthur

4.Shanmugapriya

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents 1 & 2 from attaching the house building bearing Door No.4A/1, Theppakulam Road, Survey Ward-1, Corporation Ward-52, comprised in T.S.No.12 of Madurai Corporation by proceeding in Na.Ka.No.41/2022/B1, dated 13.06.2022 issued by the second respondent till the outcome of the suit in O.S.No.100 of 2019 on the file of the 1st Additional District Judge, Madurai.



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For Petitioner : Mr.R.Suriya Narayanan
For R1 & R2 : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner.

2. This writ petition deserves to be dismissed in *limini* even without notice to the respondents.

3. The petitioner wants this Court to restrain the respondents 1 & 2 from attaching the petition mentioned property till the disposal of O.S.No.100 of 2019 on the file of the 1st Additional District Judge, Madurai. The Hon'ble Supreme Court in the decision reported in *AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)* has held that final relief to be granted in the writ petition cannot be in the nature of an interim relief. Therefore, the writ petition is not maintainable.



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4. Secondly, whether to attach the property or not is a decision to be taken by the authority concerned. Only when the authority takes a decision that can be questioned in the manner known to law. The petitioner cannot in anticipation rush to this Court. This Court will not be justified in restraining the authority from discharging its statutory function. Therefore, for these two reasons, the writ petition is not maintainable. The Writ Petition is dismissed. I make it clear that the writ petition has been dismissed only on technical ground. The right of the petitioner has not at all been gone into. All the rights and remedies of the petitioner are left open. No costs. Consequently, connected miscellaneous petitions are closed.

18.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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