



W.P.No.8677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8677 of 2023
and W.M.P.No.8853 of 2023

K. Sundarambal

... Petitioner

Vs.

1.The District Collector,
Kallakurichi District.

2.The Revenue Divisional Officer,
Kallakurichi District.

3.The Tahsildar,
Chinnasalem,
Kallakurichi District.

4.Block Development Officer,
Village Panchayat,
Chinnasalem,
Kallakurichi District.

5.The Chief Educational Officer,
Kallakurichi District.

6.Govindan

7.Gnanasekaran

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from laying a road or dispossessing petitioner from the property situate in Madhavacheri (South) Village, Vadakananthal Sub District, Kallakurichi District, comprised in S.No.181/2F1, S.No.181/2F2 of an extent of 12 cents.

For Petitioner : Mr.P. Valliappan
for M/s.PV. Law Associates

For Respondents : Mr.Yogesh Kannadasan, [R1 to R5]
Special Government Pleader

ORDER

Heard Mr.P. Valliappan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 5.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to 6th & 7th respondents and hence, notice to 6th & 7th respondents is hereby dispensed with.

3. For the relief of permanent injunction, the petitioner herein had earlier filed a suit in O.S.No.46 of 2023 before the Principal Subordinate Judge's Court, Kallakurichi and the same is pending. The



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official respondents have been arrayed as parties in the said suit. For the same cause of action, the petitioner now seeks for an injunction, restraining the official respondents from laying a road or dispossessing the petitioner from the subject property.

4. It is needless to point out that a similar relief can always be sought for before the Civil Court where the suit is pending.

5. In view of the pendency of the suit seeking for permanent injunction, the present Writ Petition which also seeks for a similar relief, cannot be maintained. However, liberty is hereby granted to the petitioner to file an appropriate Interlocutory Application, seeking for the relief sought for in the present Writ Petition before the Civil Court.

6. With the above liberty, the Writ Petition stands closed. No costs. Connected miscellaneous petition is closed.

21.03.2023

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.

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To

- 1.The District Collector,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
Chinnasalem,
Kallakurichi District.
- 4.Block Development Officer,
Village Panchayat,
Chinnasalem,
Kallakurichi District.
- 5.The Chief Educational Officer,
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