



WEB COPY



W.P.No.8936 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

W.P.No.8936 of 2023

AND

W.M.P.No.9075 of 2023

1.N.Murugan

2.Amudha

.. Petitioners

Vs.

1.The Collector

Salem District

Salem

2.The District Revenue Officer

Salem District

Salem

3.The Revenue Divisional Officer

Mettur Division

Mettur 636 401

4.The Tahsildar

Mettur Talk

Mettur Kolathur Road

Mettur 636 401



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5.The Village Administrative Officer
Pallipatti & Koonandiyur Villages
Mettur Taluk, Salem 636 458

6.The Asst. Director of Rural Development (Panchayats)
Dist. Collectorate, Salem

7.The Block Development Officer
Mecheri, Mettur Taluk
Salem District

8.The President
Koonandiyur Panchayat
Koonandiyur Village & Post
Mettur Taluk, Salem 636 458

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus, forbearing the respondents 1 to 4 herein from in any manner changing the classification of lands in S.No.107, Koonandiyur Village & Post, Mettur Taluk, Salem District from that of “Pathai Proamboke” to any other classification or facilitating the construction of buildings for usage as “Panchayat Building, VAO Office and other purposes” by the respondents 6 to 8 thereby denying my right of direct access to State Highway (Koonandiyur-Mecheri Road) in S.No.74, Koonandiyur Village & Post, Mettur Taluk, Salem District.

For Petitioners	:	Mr.T.S.Vijaya Raghavan
For R1 to R6	:	Mr.P.Sathish Additional Government Pleader
For R7 & R8	:	Mr.R.Baladhandayudham Special Government Pleader



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ORDER

The prayer in the present writ petition is for an injunction forbearing the respondents 1 to 4 from making any changes to the classification of the lands in survey No.107, Koonandiyur Village & Post, Mettur Taluk, Salem District from that of “Pathai Proamboke” to any other classification.

2. Heard Mr.T.S.Vijaya Raghavan, learned counsel for the petitioner as well as Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 6 and Mr.R.Baladhandayudham, learned Special Government Pleader appearing for the respondents 7 and 8 and perused the materials available on record.

3. The petitioner has also incidentally filed O.S.No.93 of 2022 before the District Munsif, Mettur, seeking for a relief of declaration of right to access from their property through the subject passage and the said suit is still pending. The relief sought for in the present writ petition, is a prayer which can always be sought for by the petitioner in the civil suit itself. If that be so, invoking the powers of this Court under Article 226 of the Constitution of



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India, for a parallel adjudication of a matter which is the subject matter of the civil suit, could be improper. In this background, the petitioner is granted liberty to file an application seeking the prayer sought for in the present writ petition before the Civil Court.

With the above liberty, the Writ Petition is closed. No costs.
Connected Miscellaneous Petition is closed.

20.04.2023

Index : Yes/No
Neutral Citation : Yes/No
gva

To

4/6



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M.S.RAMESH, J.



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