



WEB COPY



W.P.No.19394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19394 of 2023

and

W.M.P.No.18670 of 2023

Karunagaran

... Petitioner

Vs.

1. The District Collector,
Ariyalur.

2. The Assistant Divisional Engineer,
Highways Department, Ariyalur.

3. The Tahsildar,
Ariyalur Town,
Ariyalur District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order of the second respondent made in Ku.No.6/ 2018/ A1 dated 11.04.2023 and quash the same and direct the third respondent to issue patta in favour of the petitioner in respect to No.546/1, part of 1 cent, Ariyalur Town, Ariyalur District.



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For Petitioner : Mrs.B.N.Sivagamasundari

For Respondents :
(for R1 to R3) : Mr.D.Ravichander, Spl.G.P.

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ORDER

The order impugned dated 11.04.2023, passed by the Assistant Divisional Engineer explicitly states that actions are initiated to remove the encroachments based on the orders passed by this Court on 21.02.2023 in CRP.No.3977 of 2016.

2.This Court passed an order in CRP.No.3977 of 2016 and its relevant paragraphs are extracted as follows:

“26.In view of the above discussions, this Court finds infirmity in the order passed by the Court below and it is liable to be set aside. Accordingly, the order dated 28.01.2016 passed by the learned Principal District Munsif, Ariyalur, in E.A.No.12 of 2012 in E.P.No.107 of 2006 in O.S.No.388 of 1994, is hereby set aside and the petition in E.A.No.12 of 2012 is allowed. The petitioners are at liberty to take appropriate action as against the respondent to remove the encroachment if any in the manner known to law.



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27. Accordingly, the Civil Revision Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.”

3. The learned counsel appearing on behalf of the petitioner brought to the notice of this Court that review petition has already been instituted against the order passed in the above C.R.P. That being the factum, the present writ petition is not entertainable.

4. More so, the second respondent has acted pursuant to the directions issued by this Court in the order passed in Civil Revision Petition and there cannot be any parallel writ petition in this regard. If at all, the petitioner is aggrieved, he has to prefer an appeal against the order passed in the Civil Revision Petition or file an appropriate petition as the case may be. Contrarily, by filing a fresh writ petition, the petitioner cannot make an attempt to dilute the orders passed by this Court, in the Civil Revision Petition, or to escape from the clutches of the eviction proceedings, already initiated by the second respondent pursuant to the orders passed in the Civil Revision Petition.



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5. Accordingly, the writ petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

03.07.2023

To

1. The District Collector,
Ariyalur.
2. The Assistant Divisional Engineer,
Highways Department, Ariyalur.
3. The Tahsildar,
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S.M.SUBRAMANIAM. J.,

(sha)

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