



WEB COPY



WP No.16665 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.16665 of 2018
and
WMP.No.19877 of 2018

T.P. Ramaraj

.. Petitioner

Versus

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
2. The Sub Collector,
Pollachi, Coimbatore District.
3. The Tahsildar,
Pollachi Taluk,
Coimbatore District.
4. The Block Development Officer,
Anaimalai Panchayat Union,
Anaimalai, Coimbatore District.
5. S.V.Subbiah
6. Muthusamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records
relating to the impugned order made in Na.Ka.No.2880/2017/A1, dated



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25.01.2018 passed by the second respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's right to property measuring 1370.25sq.ft. in Oor Natham S.No. 263-A, New S.F.No.1293/1, Thatha Rowthan Pudur, Marchanaickenpalayam Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr. N. Manokaran
For R1 to R4 : Mr. A. Selvendran
Special Government Pleader
For R5 : Mr. M. Purushothaman

ORDER

[Order of the Court was made by R. MAHADEVAN, J]

This writ petition has been filed by the petitioner to quash the order dated 25.01.2018 passed by the second respondent and consequently to forbear the respondents 1 to 4 from interfering with the petitioner's right in respect of the property measuring 1370.25sq.ft. in Oor Natham S.No.263-A, New S.F.No.1293/1, Thatha Rowthan Pudur, Marchanaickenpalayam Village, Pollachi Taluk, Coimbatore District.

2. The petitioner claims to be the owner of the land comprised in Survey No. 263/A corresponding to new Survey No. 1293/1 measuring 1370 1/4 square feet by virtue of a sale deed dated 04.04.2014 registered as document No. 1550 of 2014 on the file of Sub-Registrar, Anaimalai.



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According to the petitioner, this property is classified as *Oor Natham* in the revenue records meant for dwelling. It is further stated that from the date of purchase, the petitioner is in possession and enjoyment of the aforesaid land. The petitioner, in order to perfect his title, applied for patta by submitting an application during September 2015 to the third respondent based on which an inspection was conducted on 24.09.2015 and 23.10.2015. After inspection, the officials attached to the office of the third respondent submitted a report to the third respondent recommending to grant patta to the petitioner. However, the third respondent has not issued the patta and therefore the petitioner submitted a representation dated 20.11.2017 to the first respondent, who in turn forwarded it to the third respondent for further action. At this stage, the petitioner commenced construction of a building in his land and also obtained electricity service connection. While so, the petitioner came to know that the fifth and sixth respondents have given objection to the second respondent on 20.11.2017 and 04.01.2018 not to give patta to the petitioner. On the basis of such objection, the second respondent issued a notice dated 10.01.2018 by treating the land in possession of the petitioner as a Government poramboke land. Subsequently, the officials attached to the office of the second and third respondents have also attempted to interfere with the possession of the petitioner, therefore, he filed a suit in O.S. No. 27 of 2018 before the District



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Court, Coimbatore for declaration of his title and to declare that the notice dated 10.01.2018 issued by the second respondent is null and void and legally not enforceable against him. Pending suit, the petitioner also filed I.A. No. 109 of 2018 for interim injunction. When the suit as well as the application for interim injunction were pending, the second respondent passed the order dated 25.01.2018 prohibiting the petitioner from carrying out any construction work in the property in his possession. Aggrieved by the same, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner submitted that the property in question is classified as *Natham* in the revenue records and therefore, the second respondent is not entitled to pass the impugned order dated 25.01.2018. It is further stated that the suit in O.S. No. 27 of 2018 filed by the petitioner is pending on the file of the learned Principle District Judge, Coimbatore, while so, the impugned order passed by the second respondent, prohibiting him from putting up any construction in his own lands, is illegal.

4. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that this Court granted an order of status quo on 05.07.2018 and therefore, the order dated 25.01.2018, which



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is impugned in this writ petition, has been kept in abeyance. It is also stated that the petitioner having filed a suit in O.S. No. 27 of 2018 for declaration of his title along with an application for interim injunction to restrain the respondents herein from interfering with his possession of the property, ought not to have filed the present writ petition seeking parallel relief. The learned Special Government Pleader therefore prayed for dismissal of the writ petition.

5. On the above contention of the counsel for the petitioner as well as the learned Special Government Pleader for the respondents 1 to 4, we have heard the learned counsel appearing for the fifth respondent and perused the records.

6. It is seen from the records that the petitioner has already filed a comprehensive suit in O.S. No. 27 of 2018, on the file of the District Court, Coimbatore, for declaration of his title, in which he has also questioned the correctness and validity of the notice dated 10.01.2018 issued by the second respondent, calling upon him to appear for an enquiry and the same is pending. Having filed such a suit, it is not open to the petitioner to file the present writ petition under Article 226 of The Constitution of India for identical relief. It is settled law that there cannot be parallel remedies available to the litigants.



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Therefore, this writ petition stands dismissed. No costs. Consequently, WMP

No.19877 of 2018 is also closed.

[R.M.D., J.]

[M.S.Q., J.]

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Index : Yes / No

Internet : Yes / No

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