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W.P.(MD)NO.2017 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2017 of 2023 and
W.M.P.(MD)No.1819 of 2023

P.Chitra

... Petitioner

Vs.

1. The District Collector,
Sivagangai District.
2. The Superintendent of Police,
Sivagangai District,
Sivagangai.
3. The Inspector of Police,
Ilayangudi police station,
Sivagangai District.
4. The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.
5. The Head Surveyor,
Ilayangudi Taluk,
Sivagangai District.

6. Bose

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to protect the petitioner's pathway to her house situated in the land



assigned to her in S.No. 808/13 of Salaigramam Village through the S.No.808/11 of Salaigramam Village by forbearing the respondents 1 to 5 herein to act in any manner in favour of the 6th respondent so as to survey /change revenue records/ hand over the possession of the lands in S.No. 808/11 of Salaigramam Village unless an enforceable civil relief is sought from the competent civil Court.

For Petitioner : Mr.C.Senthil Murugan

For R-1, R-4&R-5 : Mr.A.K.Manikkam,
Special Government Pleader.

For R-2 & R-3 : Mr.B.Thanga Aravindh,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner has already filed O.S.No.24 of 2021 on the file of the District Munsif Court, Ilayangudi, against the revenue authorities. The petitioner can very well work out his rights in the said suit. The question of parallelly maintaining the writ petition on the same cause of action does not arise at all. The petitioner has fairly enclosed a copy of the plaint in the typed set of papers.



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3. I went through its contents. The cause of action for filing the present writ petition and the cause of action for filing the suit are one and the same. Granting liberty to the writ petitioner to pursue the remedy in the pending suit, this writ petition stands dismissed.

4. I make it clear that I have not gone into the merits of the matter. It is open to the petitioner to file I.A. in the suit by impleading the sixth respondent herein. If such a petition is filed, the same shall be numbered immediately and disposed of on merits and in accordance with law by the learned District Munsif. No costs. Consequently, connected miscellaneous petition is closed.

01.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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G.R.SWAMINATHAN,J.

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