



W.P.(MD)No.4262 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4262 of 2023

1.Devi

2.Kapil Manoj

... Petitioners

Vs.

1.The District Revenue Officer,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Ilaiyangudi Taluk,
Sivagangai District.

4.Ramanathan

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the 3rd respondent or his subordinates from taking coercive steps for the illegal eviction and demolition of their house property and shed comprised in Survey nos. 375/22 and 375/54, situated at Sathanur Village and Post, Ilaiyangudi Taluk, Sivagangai District in the light of the Impugned order passed by the 2nd respondent dated 14.11.2022 pending the Civil Suit in O.S.No.



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46 of 2022 on the file of the District Munsif Court, Ilaiyangudi and Appeal before the 1st respondent dated 15.12.2022 not otherwise than due process of law.

For Petitioner : Mr.B.Prahalad Ravi
For R1 to R3 : Mr.M.Lingadurai
Special Government Pleader
For R4 : Mr.M.S.Jeyakarthick

ORDER

Heard the learned counsel on either side.

2.The writ petitioners herein are plaintiff in O.S.No.46 of 2022. on the file of the District Munsif Court, Ilayankudi. The suit is for declaration and permanent injunction. The petitioner has also filed an interim application.

3.Therefore, it is not open to the petitioner to preliminarily move this Court for forbearing the authorities from taking action for eviction of the petitioner herein. The petitioner can very well get remedy at the hands of the jurisdictional civil Court. Having filed an interim application in a pending suit, the petitioners could not have moved this writ petition.



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4. Granting liberty to the petitioner to pursue their remedy in the pending suit, this writ petition is disposed of. No costs.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
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