



W.A(MD)No.541 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.541 of 2023
and
C.M.P(MD)No.5455 of 2023**

P.Varathappan

... Appellant/Writ Petitioner

-VS-

1.The District Collector,
Collectorate,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

4.P.Kamaraj

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 24.02.2023 in W.P(MD)No.223 of 2023.

For Appellant : Mr.AN.Ramanathan

For R-1 to R-3 : Mr.P.T.Thiraviyam,
Government Advocate

For R-4 : Mr.S.M.Mohangandhi



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JUDGMENT

[Judgment of the Court was delivered by R.SUBRAMANIAN, J.]

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Being aggrieved by the order of the Writ Court, dated 24.02.2023 made in W.P(MD)No.223 of 2023, the appellant/writ petitioner has filed this writ appeal.

2. We find that the Writ Court had rightly dismissed the writ petition since the attempt made by the petitioner in the writ petition was to make this Court as a Stenographer of the Sub-Court, Kulithalai before which the civil suit filed by the writ petitioner in O.S.No.232 of 2019 is pending. The prayer in the writ petition was for issuance of a Mandamus forbearing the respondents from proceeding with the enquiry till the pendency of the suit. Such a prayer cannot be sought for under Article 226 of the Constitution of India. The Writ Court had dismissed the writ petition on the ground that such an interlocutory prayer cannot be granted under Article 226 of the Constitution of India. We do not see any infirmity in the order of the Writ Court to enable us to entertain the appeal.

3. It is open to the appellant to approach the civil Court before it the suit is pending. If any application is filed by the appellant/writ petitioner seeking interim injunction, the learned Sub-Court, Kulithalai, is directed to dispose of the same, on or before 31st August, 2023.



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4. The writ appeal stands disposed of with the above direction.

No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

27.04.2023

NCC :Yes/No
Index :Yes/No
PM

To:

- 1.The District Collector,
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Karur District.
- 2.The Revenue Divisional Officer,
Kulithalai,
Karur District.
- 3.The Tahsildar,
Kadavur Taluk,
Karur District.
- 4.The Judge,
Sub-Court,
Kulithalai.



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and
L.VICTORIA GOWRI, J.

pm

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