



W.P(MD)No.6015 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6015 of 2019

and

W.M.P.(MD)No.4819 of 2019

Latin Catholic Fisherman Education Society,
Rep. by its Secretary,
Fr.Loucian Thomas.

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Kanyakumari.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Padmanabapuram,
Kanyakumari District.
- 3.The Tahsildar,
Vilavankodu Taluk,
Kanyakumari District.
- 4.The District Registrar,
O/o.District Registrar,
Marthandam,
Kanyakumari District.
- 5.The Sub-Registrar,
Sub-Registrar Office,
Kollancode,
Kanyakumari District.



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6.The Executive Officer,
Ezhudesam Town Panchayat,
Vilavankodu Taluk,
Kanyakumari District.

7.Ahammed Rashid

8.Patric ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.2 and 3 to conduct the enquiry and cancel the Patta in the name of Respondents No.7 and 8 and remove their names in Joint Patta No.7186 in respect of R.S.No.226/1A total extent of 5 Hectare and 84 Ares at Ezhudesam Village, Vilavancode Taluk, Kanyakumari district within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1 to R6.
Mr.Raguvaran Gopalan for R7 & R8.

ORDER

Heard the learned counsel on either side.



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2.The prayer in the writ petition cannot be considered for the present because the petitioner had already filed O.S.No.33 of 2022 on the file of the learned Principal District Munsif Court, Kuzhithurai, seeking the relief of declaration and injunction. When the jurisdictional Civil Court is seized of the matter, it will not be proper for this Court to direct the official respondents to conduct parallel enquiry on the same cause of action. However, the learned Principal District Munsif, Kuzhithurai is directed to dispose of I.A.Nos.1 and 2 of 2022 in O.S.No.33 of 2022 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. All the contentions of the writ petitioner are left open. The Registry is directed to mark a copy of this order to the learned Principal District Munsif, Kuzhithurai.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2023

NCS :Yes/No
Index : Yes / No
Internet : Yes/ No
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Copy to:-

The Principal District Munisf Court,
Kuzhithurai.



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G.R.SWAMINATHAN, J.

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