



W.P(MD)No.20000 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20000 of 2014

and

M.P(MD)No.2 of 2014

1.Noorul Ameen
2.Seyad Ahmed
3.Kamila Beevi

... Petitioners

Vs

1.The District Collector,
Ramanathapuram District.

2.The President,
Pudumadam Village Panchayat,
Ramnad Taluk,
Ramnad District.

3.The Tahsildar,
Ramnad Taluk,
Ramanathapuram District.

4.The Block Development Officer,
Uchipuli Village,
Mandapam Block,
Ramnad District.

... Respondents



W.P(MD)No.20000 of 2014

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direction to forbear the respondents from interfering with the peaceful possession and enjoyment of the property belonging to the Petitioners situate at Old Survey No. 100/1. New Survey No. 100/12 (part), Pudumadam Village, Ramnad Taluk, Ramnad District ad measuring a total of 02 acres of Punjai land except otherwise in accordance with law and for consequential orders.

For Petitioners : Mr.S.Ramesh

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2. The case of the petitioners is that the petition mentioned lands belong to them absolutely and that the respondents must be restrained from interfering with their possession and enjoyment.

3. The learned Special Government Pleader would submit that in respect of the very same property, the petitioner had already filed O.S.No.99 of 2010 on the file of the District Munsif Court, Rameshwaram. The respondents would claim that the suit was dismissed on 21.08.2017 and that it has become final. The learned counsel for the petitioner would claim that it was set aside in the first appeal and that the matter has been remanded.



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4. A copy of the judgment and decree of the first appellate Court has not been produced. Be that as it may, when the petitioners have taken recourse to remedy before the jurisdictional civil Court, in my view rightly so, the question of parallelly conducting writ proceedings on the same cause of action does not arise at all. The petitioner will have to necessarily work out all the remedies only before the jurisdictional civil Court.

5. Granting liberty to pursue their remedies, this writ petition is dismissed. I make it clear that this dismissal of the writ petition will not in any way cast any cloud on the petitioners' rights pending in the civil proceedings. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

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

To

1.The District Collector,
Ramanathapuram District.

2.The President,
Pudumadam Village Panchayat,
Ramnad Taluk,
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3.The Tahsildar,
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Copy to:

District Munsif Court,
Rameshwaram.

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