



W.P.(MD)No.21466 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21466 of 2021

and

W.M.P.(MD)No.18030 of 2021

S.Xavier

... Petitioner

-VS-

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District,
Sivagangai.

3.Amutha Ramachandran

4.Angusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the second respondent not to interfere with the petitioner's peaceful possession and enjoyment of the lands, bearing Survey Nos.5/3 with an extent of 14 cents, 5/5 with an extent of 1.10 Acres and 5/7 with an extent of 70 cents of Pallivayal Group, Kalayarkovil Taluk, Sivagangai District and consider the representation of the petitioner dated 30.10.2021, within the time frame that may be stipulated by this Court.

1/5



W.P.(MD)No.21466 of 2021

For Petitioner : Mr.V.Baskaran
For R1 and R2 : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, restraining the second respondent from interfering with the peaceful possession and enjoyment of the subject properties, based on the representation made by the petitioner on 30.10.2021.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 and 2.

3. It is brought to the notice of this Court that the petitioner along with others have already filed a suit before the District Munsif Court, Sivagangai, and the same is pending in O.S.No.77 of 2016. During the pendency of the suit, an attempt was made by the second respondent to interfere with the possession and enjoyment of the property in connivance with the respondents



W.P.(MD)No.21466 of 2021

3 and 4. It is under these circumstances, the present Writ Petition was filed before this Court.

4. In the considered view of this Court, there is already a civil suit pending before the competent Court. Therefore, the petitioner has to seek for interim relief before the same Court and the Writ Petition cannot be separately entertained for the sake of granting interim order. Let on this issue is now too well settled. Hence, liberty is granted to the petitioner to approach the Civil Court and seek for an interim order.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
SMN2

20.11.2023

To

1.The District Collector,
Sivagangai District, Sivagangai.

3/5



W.P.(MD)No.21466 of 2021

2.The Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District,
Sivagangai.

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W.P.(MD)No.21466 of 2021

N.ANAND VENKATESH, J.

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**W.P.(MD)No.21466 of 2021
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