



WEB COPY



W.P.No.3314 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P.No.3314 of 2019

and

W.M.P.No.3597 of 2019

Vimala

... Petitioner

**Vs.**

1. The District Collector,  
Collectorate Building,  
No. 62, Rajaji Salai,  
Chennai – 600001.

2. The Tahsildar,  
Velachery Taluk,  
Gandhi Road, Seva Nagar,  
Velachery, Chennai – 600042.

3. Sarala,

4. D.VasanthaKumar

... Respondents

**Prayer :-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the 1st and 2nd respondent from dispossessing the petitioner from the property situated at Old Door No. 23/ A, New Door No. 43, Kasturibai Nagar, 5th Main Road, Adyar, Chennai, measuring an extent of 1680 Sq.ft., comprised in S.No. 7/



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2, Town S.No. 36, Block No. 9, Pallipattu Village, previously Mylapore - Triplicane Taluk now Velachery Taluk, Chennai District by way of attaching the same.

For Petitioner : Mr.S.Sathyaraj

For Respondents : Mr.G.Krishna Raja  
Additional Government Pleader,  
(for R1 & R2)

No Appearance (for R3 & R4)

### **ORDER**

The relief sought in the present writ petition is to forbear the 1st and 2nd respondents from dispossessing the petitioner from the property situated at Old Door No. 23/ A, New Door No. 43, Kasturibai Nagar, 5th Main Road, Adyar, Chennai, measuring an extent of 1680 Sq.ft., comprised in S.No. 7/ 2, Town S.No. 36, Block No. 9, Pallipattu Village, previously Mylapore - Triplicane Taluk now Velachery Taluk, Chennai District, by way of attaching the same.

2. The learned counsel for the petitioner submitted that a suit for partition was instituted in O.S.No.297 of 2019 and the suit decreed in favour of the petitioner.



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3. If so, the relief as such sought for is not entertainable. If at all, the petitioner is a decree holder, he has to work out his remedy in the manner known to law. Granting the relief from dispossessing the petitioner would not arise and more so, such disputes are of civil in nature and cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

4. For all these reasons, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

Index : Yes  
Speaking Order  
Neutral Citation : Yes  
(sha)

To

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**S.M.SUBRAMANIAM. J.,**

(sha)

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