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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10181 of 2019
and
W.M.P.No.10743 of 2019

N.Govindarajan

... Petitioner

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Tiruttani Taluk,
Tiruttani,
Tiruvallur District.

3.The Commissioner,
Tiruttani Municipality,
Tiruttani,
Tiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from carrying out survey, demarcate the land or otherwise disturb the petitioner's property in S.No.265/8, New S.No.265/3B/2 and S.No.265/3B/1 of Tiruttani Village.



For Petitioner : Mr.M.Selvam
For R1 & R2 : Mr.P.Balathandayutham
Special Government Pleader
For R3 : Mr.P.Srinivas

ORDER

The relief sought for in the present writ petition is to forbear the respondents from carrying out survey, demarcate the land or otherwise disturb the petitioner's property in S.No.265/8, New S.No.265/3B/2 and S.No.265/3B/1 of Tiruttani Village.

2. The relief of injunction as such sought for in the present writ proceedings is not entertainable. More so, the petitioner admits that the Suit was instituted in O.S.No.7 of 2015 and O.S.No.60 of 2016. The Suits are pending on the file of District Munsif Court at Tiruttani.

3. Since the parties have already instituted a Civil Suit to establish their civil rights, the writ filed to forbear the respondents from carrying out survey cannot be granted. Even for conducting survey or appointment of a Commissioner, an Interlocutory Application is to be filed in the Civil Suit



under Order 26 of the Code of Civil Procedure.

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4. When efficacious remedy is available under the Code of Civil Procedure, the petitioner is at liberty to work out his remedy before the Competent Civil Court of Law.

5. With this liberty, this Writ Petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

09.01.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The Tahsildar,
Tiruttani Taluk,
Tiruttani, Tiruvallur District.
- 3.The Commissioner,
Tiruttani Municipality,
Tiruttani, Tiruvallur District.



W.P.No.10181 of

S.M.SUBRAMANIAM, J.

Jeni

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