



W.P.No.9567 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9567 of 2024

A.Perumal

.. Petitioner

Vs.

1. The District Collector
Salem, Salem District – 600 001.
2. The Tahsildar
Office of the Tahsildar
Attur Taluk, Salem District – 600 102.
3. The Revenue Divisional Officer
Revenue Department, Attur Taluk
Salem District – 600 102.
4. Annaimuthu

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 3 to dispose of the petitioner representation dated 13.03.2024 which is pending before the respondents 1 to 3 and consequently direct the respondents 1 to 3 to remove the encroachment of the common pathway comprised in S.No.146/9 situated at Kalpaganur Village, Attur Taluk, Salem District respectively.



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For the Petitioner : Mr.S.Jeganathan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.P.Harish
Government Advocate
for R1 to R3

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.S.Jeganathan, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.P.Harish, learned Government Advocate for respondents 1 to 3.

2. Directions are sought to remove the encroachment made in the common pathway.

3. It is submitted by learned counsel for the petitioner that for the same purpose, a civil suit bearing O.S.No.70 of 2019 is filed and an order of injunction is also granted. However, in spite of the order of injunction, respondent 4 has encroached upon the cart track.



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4. There cannot be dual proceedings for the same relief. The civil suit filed by the petitioner is already pending for the same purpose. If the order of injunction is violated, remedy is available to the petitioner to implement the order of injunction. The petitioner can avail the said remedy.

5. In light of the above, we are not inclined to entertain the present writ petition. The writ petition, accordingly, stands disposed of. There shall be no orders as to costs.

(S.V.G., C.J.)

(J.S.N.P., J.)

05.04.2024

Index : Yes/No
Neutral Citation : Yes/No
drm

To

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