



W.P.No.15794 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.15794 of 2018 and
W.M.P.No.18767 of 2018

Karumana gounder

... Petitioner

Vs.

1. The District Revenue Officer,
Collector Office Compound,
Nallipalayam Post, Namakkal Taluk,
Namakkal District.
2. The Revenue Divisional Officer,
O/o. District Revenue Officer,
Trichengode.
3. The Tashildar,
Paramathi Velur,
Padamudipalayam,
Paramathivelur Taluk,
Namakkal District.

4. E.P. Chinnappan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the third respondent from measuring the S.F.No.116A/4A at Gurumbalamahadevi Village, Paramathivelur Taluk, Namakkal District on the basis of his notices dated 31.03.2018 and 22.06.2018 by considering the petitioner's representations dated 02.04.2018 and 25.06.2018.



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For Petitioner : Mr. R. Marudhachalamurthy
For R1 to R3 : Mr. S. J. Mohamed Sathik,
Government Advocate.
For R4 : No Appearance.

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus forbearing the 3rd respondent from measuring the S.F.No.116A/4A at Gurumbalamahadevi Village, Paramathivelur Taluk, Namakkal District on the basis of his notices dated 31.03.2018 and 22.06.2018 by considering the petitioner's representations dated 02.04.2018 and 25.06.2018.

2. The learned counsel for the petitioner submitted that already two suits have been filed. The suit in O.S.No.54 of 2016 on the file of the Judicial Magistrate cum District Munsif, Paramathi is filed by the petitioner seeking a decree for declaration of the notices issued by the 1st respondent as null and void and not enforceable and the other suit in O.S.No.118 of 2017 on the file of the District Munsif, Paramathi is filed by the 4th respondent seeking for mandatory injunction to restore the cart track in the subject property and the same are pending. Pending suit, the 3rd respondent is trying to measure the property and issued the said notices. Hence, the present Writ petition is filed.



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3. Heard and perused the materials available on record.

4. It is seen that the petitioner is challenging only the notice of enquiry issued by 3rd respondent. The petitioner should have appeared before the 3rd respondent and made his objections and instead of appearing before him, he has challenge the notices. Otherwise, since the petitioner has already filed a suit, he should have approached the Civil Court for appropriate remedy and he cannot challenge the notice. Therefore, the petitioner is not entitled for the relief sought for.

5. With the above observations, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

6. However, the petitioner is at liberty to work out his remedy in the manner known to law before the Civil Court in the pending suits.

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Index : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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