



WEB COPY



WP.No.36421 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36421 of 2024

Mrs.Annamma Mathew

...Petitioner

Vs

1.The Collector,
Nilgiris District.

2.The Tahsildar, Gudalur,
Nilgiris District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents from disturbing and interfering with the peaceful possession and enjoyment of the petitioner's property measuring an extent of 50 cents in survey No.35/2 in Devala Village, Gudalur Taluk, Nilgiris District until the disposal of the Original Suit O.S.No.54 of 2022 on the file of the Principal District Munsif Court, Gudalur, Nilgiris.

For Petitioner : Mr.S.Gunaseelan
For Respondents : Mr.A.Selvendran, SGP



WP.No.36421 of 2024

ORDER

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The petitioner, who has filed a suit in O.S.No.54 of 2022 on the file of the Principal District Munsif Court, Gudalur, Nilgiris District against the State seeking declaration of her title by adverse possession and consequential injunction, has filed this writ petition once again seeking to forbear the respondents from disturbing and interfering with her peaceful possession and enjoyment of the property measuring 50 cents in survey No.35/2 in Devala Village, Gudalur Taluk, Nilgiris District till the disposal of the said suit.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner has practically filed an application under XXXIX Rule 1 of the Civil Procedure Code before this Court instead of filing an application before the Principal District Munsif Court, Gudalur where the said suit is pending. The defendants in the said suit are the respondents as well as the Village Administrative Officer, Devala. Having moved the Civil Court for declaration and injunction against the defendants, the petitioner ought to have moved the application before the Civil Court and not moved this writ petition.



WP.No.36421 of 2024

4. Accordingly, the writ petition is dismissed. No costs.

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To

1.The Collector,
Nilgiris District.

2.The Tahsildar, Gudalur,
Nilgiris District.

RS



WEB COPY



WP.No.36421 of 2024

P.T.ASHA,J

RS

WP.No.36421 of 2024

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