



W.P.(MD) No.3784 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.3784 of 2024
and W.M.P.(MD) Nos.3686 and 3687 of 2024**

Kadhar Moideen

... Petitioner

-VS-

1.The Commissioner,
Kayalpattinam Municipality,
Tuticorin District.

2.The Tahsildar,
Thiruchendur Taluk,
Tuticorin District.

3.Jesima

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.482/2023/F1, dated 06.02.2023 and quash the same.



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For Petitioner : Mr.S.Thangaraj

For Respondents : Mr.V.Nirmal Kumar
Additional Government Pleader for R1

Mr.S.P.Maharajan
Special Government Pleader for R2

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the order passed by the 1st respondent in Na.Ka.No.482/2023/F1, dated 06.02.2023.

2. According to the learned Additional Government Pleader appearing for the first respondent, the encroachment has already been removed by the respondent authorities.

3. Learned counsel for the petitioner, regarding the property in question the suit filed by the petitioner in O.S.No.64 of 2023 is pending on the file of the District Munsif Court, Tiruchendur.



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4. It is for the petitioner to workout his remedy, if any, in the pending suit and it is for the civil Court to consider the issues raised, including the maintainability of the suit.

5. With the above observations and recording the submissions of the learned Additional Government Pleader appearing for the first respondent, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
20.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

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