



W.P.(MD)No.27893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.27893 of 2024
and
W.M.P.(MD)No.23654 of 2024

K.A.Prabakaran

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukkottai District.

3.The Executive Officer,
Ponnamaravathi Town Panchayat,
Ponnamaravathi,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the 3rd respondent vide his proceeding in Na.Ka. No.803/A1/2020 dated 15.10.2024 and to quash the same as illegal and consequently forbearing the 3rd respondent from taking any coercive against



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the petitioner for removing the building namely Sri Krishna Bakery situated at D. No.314, Anna Salai, Ponnamaravathi Village, Pudukkottai District comprised in S. No.830/1 (Old S. No.273) at Ponnamaravathi West Village, Ponnamaravathi Taluk, Pudukkottai District till the disposal of the suit in OS No.18 of 2024 filed by the petitioner's brother and others against the third respondent pending on the file of the Sub Court, Thirumayam.

For Petitioner :Mr.D.Srinivasaragavan

For Respondents :Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner questions the Form III notice issued by the executive officer of Ponnamaravathi Town Panchayat. This writ petition is not maintainable for more reasons than one. It is seen that the petitioner's brother and others filed O.S.No.18 of 2024 on the file of the District Munsif Court, Thirumayam seeking protection against dispossession. The prayer in this writ petition is that the petitioner should not be dispossessed till the disposal of the said suit. The Hon'ble Supreme Court in the decision reported in **AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)**, had held that final relief sought in exercise of writ jurisdiction under Article 226 of the



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Constitution of India cannot be in the nature of interim relief. This writ petition is therefore not maintainable in view of the aforesaid decision of the Hon'ble Supreme Court. Secondly, the petitioner herein had earlier filed W.P.(MD)No. 2074 to 2076 of 2011. One of us sitting singly dismissed the said writ petition vide order dated 29.03.2022. When the petitioner's earlier petition suffered dismissal, another writ petition cannot lie on the same cause of action. Looked at from any angle, there is no merit in the writ petition. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
22.11.2024

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

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Pudukkottai District,
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2.The Tahsildar,
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