



WMP NO. 4473 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2025

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WMP NOs.7082 of 2025 & 7083 of 2025

K.Palani

S/o.Late Kandan Chetty, No.24 Avai Street, Udhayamambattu
Road, Periyamambattu Village, Thiyagadurugam, Kallakuruichi
District.

Petitioner(s)

Vs

R.Lalitha

W/o.Ramamurthy, Meenakshi Amman Kovil Street,
Thiyagadurugam, Kallakuruchi Taluk, Kallakuruchi District. and
another

Respondent(s)

For Petitioner(s):

R. Bharath Kumar
R.Eswaran
R.Divyapreathika
A.Ambedkar
K.Rajkumar
U.Ramya

For Respondent(s): G.Ranganathan – R1
R.Anitha, Special Government Pleader – R2

ORDER

These petitions have been filed to recall the Order dated 20.06.2024 passed by this Court in W.P.No.15770 of 2024 and to suspend the above Order, pending disposal of the the Writ Miscellaneous Petition in WMP.No.7082 of 2025.



cial

2. Mr.G.Ranganathan, learned counsel takes notice for the first respondent and Mrs.R.Anitha,

Government Pleader takes notice for the second respondent.

3. It is the contention of the petitioner that the writ petitioner has already filed suit and suppressing the said fact, he has filed a Writ Petition, without making the petitioner as a party, Order has been obtained.

4. When this Court posed a question, the learned counsel appearing for the respondent would submit that the suit in O.S.No.76 of 2024 has been filed for the relief of permanent injunction.

5. The petitioner claims title from his father and the writ petitioner claims title from a third party, who claims right over the property. Considering the above submissions, as the pendency of the suit is suppressed before this Court and Order has been obtained for survey of the land, this Court is of the view that when the dispute is pending before the Civil Court, suppressing the civil suit, obtaining such an Order in a writ court, is a clear abuse of process of law. As the very rights of the parties has to be adjudicated in the Civil Court on the basis of evidence, this Court cannot pass such an Order,

Accordingly, the Order passed in W.P.No.15770 of 2024 dated 20.06.2024 is recalled and the Writ Petition is dismissed. The parties are directed to work out their remedy before the Civil Court. As the very Order in W.P.No.15770 of 2024 dated 20.06.2024 is recalled, WMP.No.7083 of 2025 is closed.

20-02-2025

vrc

To

1. R.Lalitha

W/o.Ramamurthy, Meenakshi Amman Kovil Street, Thiyaadurugam,
Kallakuruchi Taluk, Kallakuruchi District.

2. The Thasildar

Kallakuruchi Taluk, Kallakuruchi District.