

Writ Petition No.7124 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.7124 of 2025

&

W.M.P.No.7899 of 2025

P.Sivakumar

S/o.G.Perumal (late)

... Petitioner

Vs.

1. The District Collector
Tiruvannamalai District, Tiruvannamalai
2. The Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Tiruvannamalai
3. The Tahsildar
O/o.The Tahsildar
Tiruvannakalai Taluk
Tiruvannamalai District
4. The Block Development Officer
O/o.The Block Development Officer
Tiruvannamalai
5. The Head Surveyor
O/o.The Tahsildar
Thiruvannamalai Taluk, Tiruvannamalai District
6. The Village Administrative Officer
O/o.Village Administrative Officer
Vengikkal Village & Post
Tiruvannamalai Taluk
Tiruvannamalai District.



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7. G.Krishnamurthy
S/o.Govindasamy

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8. Tmt.Shanthi Tamilselvan (Village President)
Vengikkal Village & Post
Tiruvannamalai Taluk
Tiruvannamalai District

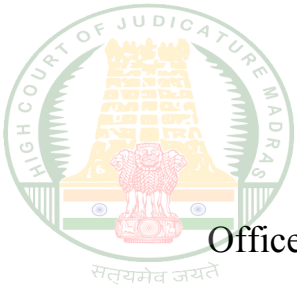
... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the fifth respondent from conducting survey on 19.02.2025 or on any subsequent date on the basis of the Summons dated 12.02.2025 (served on 14.02.2025) on the petitioner in respect of Survey No.28/60, Vengikkal Village, Tiruvannamalai and to cancel the patta No.12935 dated 19.04.2023 issued in favour of Block Development Officer, Tiruvannamalai and restore the same in favour of the petitioner.

For Petitioner : Mr.M.N.Kathir
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 to R3 & R5]
Mr.V.Umakanth
Government Advocate [R4 & R6]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus forbearing the fifth respondent from conducting any survey in the subject property based on the summon issued on 12.02.2025 and to cancel the patta that was issued in favour of the Block Development

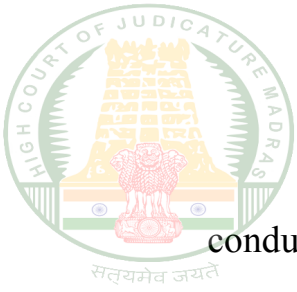


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Officer in Patta No.12935 dated 19.04.2023 and restore the same in favour of the petitioner.

2. Heard Mr.M.N.Kathir, learned counsel for petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing for respondents 1 to 3 and 5 and Mr.V.Umakanth, learned Government Advocate appearing for respondents 4 and 6.

3. It is seen from records that the petitioner has already filed another writ petition in W.P.No.8526 of 2020 before this Court. In this writ petition, the grievance expressed by the petitioner is that the subject property belongs to him, whereas it was sought to be classified as a 'Odai' and the property belonging to the petitioner was utilized for the purpose of carrying out the construction. In view of the same, the petitioner made a representation and since the same was not considered, the petitioner approached this Court and sought for the relief of a writ of mandamus forbearing the Block Development Officer, Head Surveyor and Village Administrative Officer from carrying on with any construction activity with respect to the subject property. This writ petition is pending and in the mean time, the survey was sought to be

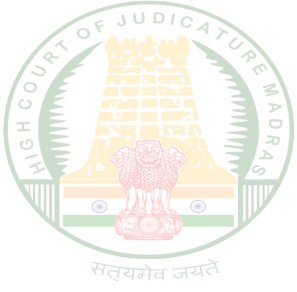


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conducted by the fifth respondent and summon was issued to the petitioner and on receipt of the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, when the petitioner filed the earlier writ petition, there was no interim order in favour of the petitioner and the main dispute regarding utilization of his property is pending in W.P.No.8526 of 2020. While so, if any subsequent development takes place, the petitioner must only move an appropriate application in the pending writ petition and seek for an order and a fresh writ petition cannot be maintained before this Court. If an interim order is not granted in a writ petition which results in subsequent development, that will not give a fresh cause of action to file a fresh writ petition and the matter has to be agitated only in the pending writ petition. If fresh writ petitions are entertained, it will result in multiplicity of proceedings for the same issue.

5. In the light of the above discussion, liberty is granted to the petitioner to file an appropriate petition in the pending writ petition in W.P.No.8526 of 2020 and seek for relief.



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This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

04.03.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

1. The District Collector,
Tiruvannamalai District, Tiruvannamalai.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tiruvannamalai,
3. The Tahsildar,
O/o.The Tahsildar,
Tiruvannakalai Taluk,
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O/o.The Tahsildar,
Thiruvannamalai Taluk, Tiruvannamalai District.
6. The Village Administrative Officer,
O/o.Village Administrative Officer,
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N.ANAND VENKATESH, J

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