



W.P.(MD)No.19075 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.19075 of 2022
and
W.M.P(MD)No.13930 of 2022

Daniel Jones.M

... Petitioner

/Vs./

1. The District Collector
Kanyakumari District,
Nagercoil.
2. The Executive Engineer
TWAD Board, Projector Division,
No.34, Jawahar 3rd Street,
Near Gopalapillai Hospital,
Nagercoil - 629 001.
3. The Assistant Executive Engineer,
Public Works Department, Thuckalay,
Thuckalay Post, Kalkulam Taluk,
Kanyakumari District.
4. The Tahsildar
Kalkulam Taluk,
Thuckalay.



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5. The Maruthoorkurichi Village Panchayat,
Maruthoorkurichi, Kalkulam Taluk,
Kanyakumari District, Through its
Executive Officer.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner and his family members to have the ingress and egress for the house bearing Door No. 3/68B in R.S.No.236/2F pt. Valvachagostam Village within the jurisdiction of Maruthoorkurichy Panchayat Kalkulam Taluk Kanyakumari District thorough the pathway in R.S.No. 237/1 Valvachagostam Village Kalkulam Taluk by considering our representation dated 25.07.2022.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.S.Shanmugavel

Special Government Pleader for R1,3-5

: Mr.R.Satheesh for R2

ORDER

This writ petition has been filed for a direction, directing the respondents to permit the petitioner and his family members to have the ingress and egress for the house bearing Door No. 3/68B in R.S.No. 236/2F pt. Valvachagostam Village within the jurisdiction of



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Maruthoorkurichy Panchayat, Kalkulam Taluk, Kanyakumari District, through the pathway in R.S.No.237/1, Valvachagostam Village , Kalkulam Taluk, by considering the petitioner's representation dated 25.07.2022.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. It is seen that for the very same relief, the petitioner already filed a suit in O.S.No.7 of 2021 before the Principal District Munsif, Padmanabhapuram and it is pending for trial. In fact, in the said suit, Advocate Commissioner was appointed and the Commissioner also filed a report for inspection. Therefore, the relief sought for in this writ petition cannot be granted here, since the petitioner already filed a suit.

4. In view of the above, direction sought for by the petitioner cannot be considered. Hence, this Writ Petition stands dismissed. The petitioner is at liberty to approach the civil Court for appropriate relief. The trial Court is directed to dispose the suit in O.S.No.7 of 2021 within



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a period of six months from the date of receipt of copy of this order.

No costs. Consequently, connected Miscellaneous Petition is closed.

21.01.2025

Index : Yes / No

NCC : Yes / No

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Thuckalay Post, Kalkulam Taluk,
Kanyakumari District.
4. The Tahsildar
Kalkulam Taluk,
Thuckalay.
5. The Executive Officer,
Maruthoorkurichi Village Panchayat,
Maruthoorkurichi, Kalkulam Taluk,
Kanyakumari District.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.19075 of 2022

Dated:
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