

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11190 of 2015
and
M.P.Nos.1 and 2 of 2015

Alamelu

...Petitioner

-vs-

1. The District Collector,
Collectorate, Salem District.
2. The District Revenue Officer,
Salem District.
3. The Tahsildar,
Taluk Office, Salem.
4. The Commissioner,
Omalur Panchayat Union,
Omalur Taluk, Salem District.
5. The President,
Vellalapatti Village Panchayat,
Omalur Tk & Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent not to evict the petitioner from the existing house and land respectively situated in survey No.4/2, spread over 6.46 acres, Jagadevanpatti Village, Vattakadu Post, Omalur (Taluk) and Salem District.

For Petitioner : Mr.V.Raghavachari
for M/s.P.Vijendran

For Respondent : Mr.S.T.S.Moorthy
Govt. Pleader for RR 1 to 4
Mr.K.Ramesh for R-5

O R D E R
(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, we are of the view that since the issue of title is already sub-judiced in O.S.Nos.39 and 40 of 2013 and the prayer for interlocutory relief is also pending consideration in I.A.No.143 of 2013, the rights of the parties are liable to be determined in those proceedings. The impediment is stated to be the failure of the respondent-State to file their written statement or reply to the application. Learned Government Pleader assures that the needful will be done within two (2) weeks. The learned District Munsif, Omalur, before whom the lis is pending, would thereafter proceed to try the suit as early as possible and determine the interim application.

2.We may notice that in the present proceedings, an interim order of status quo has been passed in view of the threatened action of the respondents. In view of this order having been passed, we are of the view that the benefit of this order should continue to enure to the petitioner till the interlocutory application is decided, making it simultaneously clear that the continuation of the status quo order is not a reflection on the merits of the controversy and would not weigh with the trial Court in determining the interim application on merits.

3.Writ Petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 stand closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
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2. The District Revenue Officer,
Salem District.

3. The Tahsildar,
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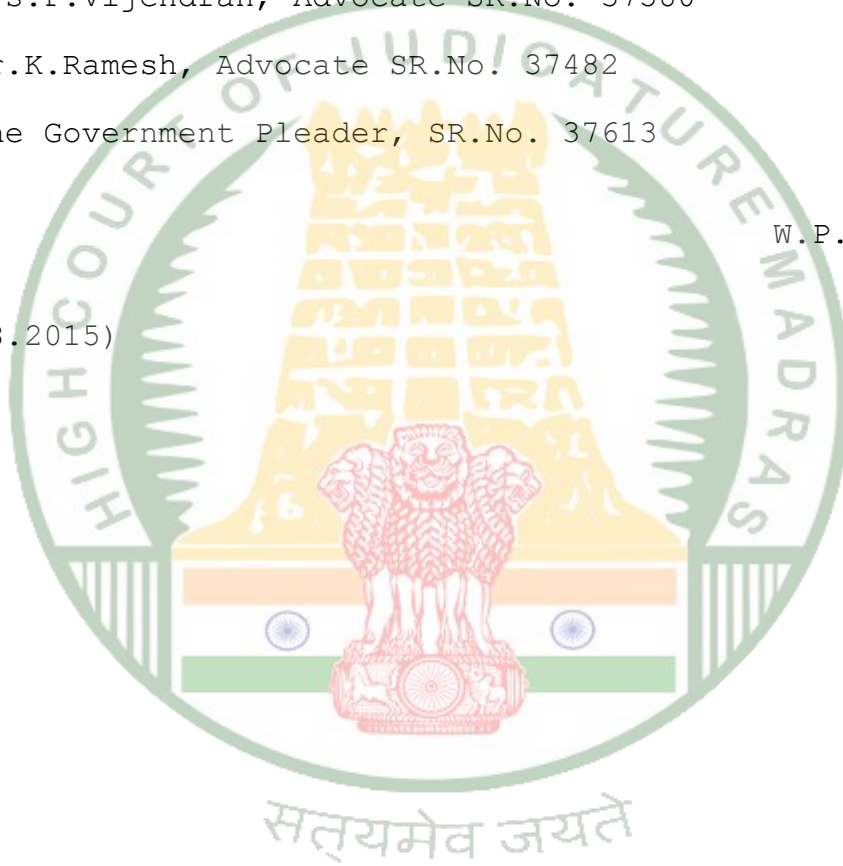
1 CC to M/s.P.Vijendran, Advocate SR.No. 37580

1 CC to Mr.K.Ramesh, Advocate SR.No. 37482

1 CC to the Government Pleader, SR.No. 37613

W.P.No.11190 of 2015

SCD (CO)
PSI (05.08.2015)



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