

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.16106 to 16108 of 2015
& M.P.Nos.1 to 1 of 2015

V.Srinivasan ... Petitioner in W.P.No.16106/15
K.Ramesh ... Petitioner in W.P.No.16107/15
V.Rajasekar ... Petitioner in W.P.No.16108/15

Vs.

1. The Tahsildar,
Salem Taluk,
Salem District.

2. K.Perumal ... Respondents in all the W.Ps.

These Petitions filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified mandamus calling for the records relating to the impugned order in Na. Ka. No. 5210/2015/A9 dt 25.5.2015 passed by the 1st respondent quash the same and consequently direct the respondents not to interfere with the petitioners peaceful possession and enjoyment of the petitioners patta land measuring an extent of 2.61 Acres bearing R.S. No. 40/4G Nazhikkalpatti Village, Salem Taluk, Salem District.

For Petitioner
in all the W.Ps. : Mr.N.Manokaran

For Respondent-1
in all the W.Ps. : Mr.R.A.S.Senthilvel
Additional Government Pleader

For Respondent-2
in all the W.Ps. : Mr.R.Ezhilarasan

COMMON ORDER

It is seen that the petitioners have filed a comprehensive suit for declaration and permanent injunction in O.S.No.323 of 2015 on the file of the learned Principal District Munsif Court, Salem. The said suit has been filed on 20.04.2015. Thereafter, this impugned order has been passed.

2.The order impugned would show that prima facie the land is a patta land. However, in view of the pendency of the suit, this Court is not willing to express any opinion, as the impugned order is passed after filing of the suit. Since there cannot be any parallel remedy, this Court merely directs the learned Principal District Munsif, Salem, to decide all the issues raised in the suit as well as in the interlocutory application on its own merits and in accordance with law, without being influenced by the earlier order passed in W.P.No.5261 of 2015 dated 27.02.2015, as well as without reference to the impugned order challenged in this writ petition.

3.Thus these writ petitions are disposed of by making it clear that the interlocutory application as well as the suit will have to be decided on its own merits without being influenced by the earlier order, the order impugned and the present order passed in these writ petitions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

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To

Sub Assistant Registrar

1.The Tahsildar,
Salem Taluk,
Salem District.

+3cc's to Mr.N.Manokaran, Advocate, S.R.No.47748 to 47750
+1cc to Mr.R.Ezhilarasan, Advocate, S.R.No.47265
+1cc to the Government Pleader, S.R.No.48104

CTK(CO)
CA(25/09/2015)

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