

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18118 of 2015

And

M.P.No.1 of 2015

Ranganathan

...Petitioner

Vs.

1 The District Collector
Nagapattinam.

2 The Tahsildar
Mayiladuthurai Nagapattinam District.

3 The Commissioner
Mayiladuthurai Municipality
Nagapattinam.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from entering petitioners property situated in T.S.No.23 on southern side of Poompukar Salai, Mayiladuturai Town, Vallalagaram Vattam, Mayiladuturai Taluk, Nagapattinam District and putting up any construction thereon without following due process of law.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.S.Pattabiraman
Government Advocate

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The Petitioner claims to be the absolute owner of the landed property admeasuring an extent of 34 cents (102 Kulis) situated in T.S.No.23 on Southern side of Poompukar Salai, Mayiladuturai Town, Vallalagaram Vattam, Mayiladuturai Taluk, Nagapattinam District and apprehending interference of its peaceful enjoyment and possession, filed civil suit in O.S.No.32 of 2014 against the respondents 1 and 2 praying for permanent injunction restraining them from interfering except under due process of law and the suit was decreed. After contest, suit came to be decreed exparte on 19.03.2015. The grievance expressed by the petitioner is that inspite of such decree operates against the respondents 1 and 2, they are interfering with his peaceful possession and enjoyment of the same and in this regard, sent Lawyer's notice dated 17.06.2015. Though it was acknowledged by the respondents, they continue to interfere with his peaceful possession and enjoyment and hence, came forward to file this writ petition.

3.Mr.S.Sounthar, learned counsel appearing for the petitioner would submit that no steps have been taken to set aside the exparte decree and no appeal has also been preferred against the said decree. Therefore, the respondents 1 and 2 being parties to the said decree are bound by the same and prays for appropriate orders.

4.This Court heard the submissions of Mr.S.Sounthar, learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for larger relief, this Court in the light of the facts and circumstances, directs the respondents 1 to 3 to consider the Lawyers notice dated 17.06.2015 in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and till then, defer further decision with regard to the land in question.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(J)

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Sub Assistant Registrar

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To

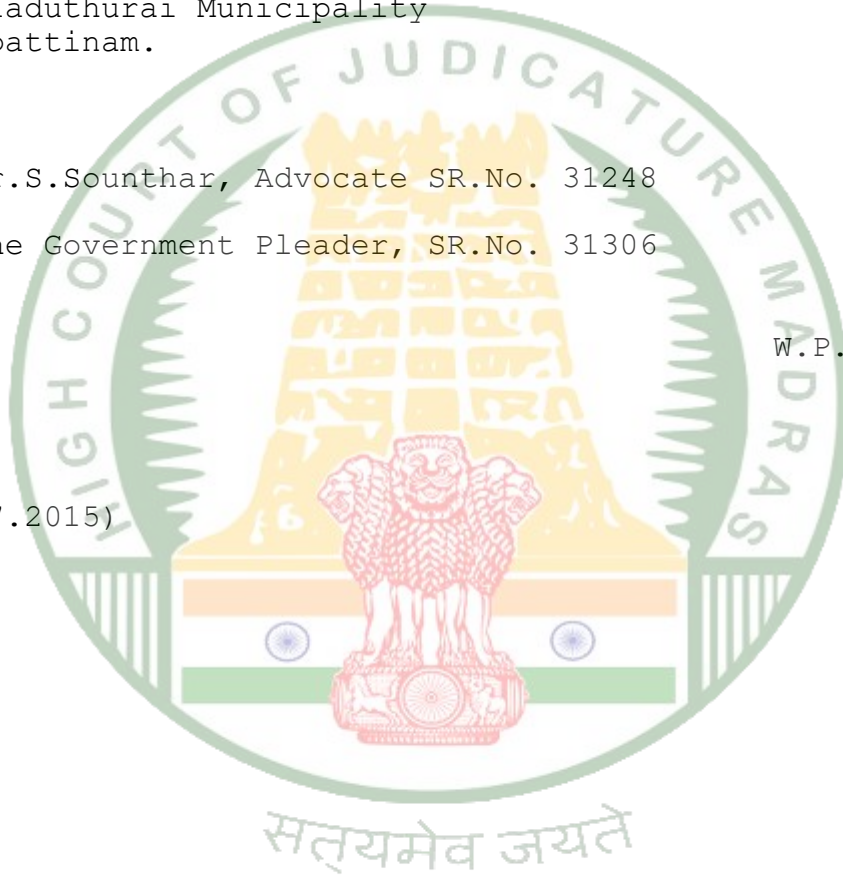
- 1 The District Collector
Nagapattinam.
- 2 The Tahsildar
Mayiladuthurai
Nagapattinam District.
- 3 The Commissioner
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Nagapattinam.

1 CC to Mr.S.Sounthar, Advocate SR.No. 31248

1 CC to the Government Pleader, SR.No. 31306

W.P.No.18118 of 2015
And
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CTK (CO)
PSI (06.07.2015)



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