

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.26344 of 2015

and

M.P.No.1 of 2015

1.C.Sivakumar
2.Chinnammal
3.Sundarammal
4.Easwari
5.Revathi
6.Samiathal
7.R.Palani

... Petitioners

Vs

1. The District Collector
Erode District
Erode

2. The Tahsildar
Anthiyur Taluk
Erode District

3. The Superintendent of Police
Erode District, Erode

4. The Inspector of Police
Anthiyur Police Station
Anthiyur

5. The Sub Inspector of Police
Vellithiruppu Police Station
Anthiyur Taluk
Erode District

6. K.Arappan

7. Jayakrishnan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 3 to consider the petitioner's representations dated 1.12.2014 and 15.12.2014, and thereby prevent the respondents

2, 4, 5 and 6 from interfering with the petitioner's possession and enjoyment of the property in R.S.No.36/1A, 36/2B1 in Sangarapalayam Village, Anthiyur Taluk, Erode District.

For Petitioners : Mr.V.Bharathidasan
for Ms.T.Ramadevi

For Respondents : Mr.S.Gunasekaran
Government Advocate
for RR1 to 5

ORDER

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

2.The petitioners would state that their predecessors-in-title have been assigned with the lands in R.S.No.36/1A and 2B1, corresponding to Old Survey Nos.269/1 and 268 of Sangarapalayam Village, Anthiyur Taluk, Erode District, and after the demise of the original assignor viz. Kuppan Sakkili, and his four sons, the petitioners continue to remain in possession and enjoyment of the same as their legal heirs, and the revenue records also stand in their names.

3.It is further stated by the petitioners that the sixth respondent claims to be in possession of an agricultural land adjacent to the above said land, and with a view to grab the said land, made very many attempts and he has also filed suits in O.S.Nos.484/1971 and 108/1975, on the file of the Court of Subordinate Judge at Erode, claiming to be a cultivating tenant, and also filed W.P.No.4896/1983 challenging the order passed by the District Revenue Officer, Erode, in a proceeding under the provisions of the Cultivating Tenants Protection Act.

4.The petitioners would further state that in all the civil proceedings, the sixth respondent had lost and lastly, he filed a suit in O.S.No.137/2012, on the file of the Court of I Additional District Munsif at Bhavani, Erode, against 25 defendants including the petitioners 1, 3 to 5 and 7, who are arrayed as defendants 3, 5, 14, 16, 18 and 25 respectively, for permanent injunction restraining them from interfering with his peaceful possession and the suit, after contest, was dismissed on 23.12.2014, and no appeal has been preferred against the said judgment and decree and it has become final.

5.The grievance expressed by the petitioners, is that the Revenue Officials as well as the Police Authorities acting in tandem and collusion with the sixth respondent, are attempting to interfere with their peaceful possession and enjoyment of the lands in

question, and in this regard, they also submitted a representation dated 1.8.2015, to the first respondent and since no orders have been passed, came forward to file this writ petition.

6.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 5.

7.Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider the petitioners' representation dated 1.8.2015, in accordance with law, after putting on notice, the respondents 6 and 7, and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the respondents 6 and 7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

nsv
To:

Sub Assistant Registrar

1. The District Collector
Erode District, Erode
2. The Tahsildar
Anthiyur Taluk
Erode District
3. The Superintendent of Police
Erode District, Erode
4. The Inspector of Police
Anthiyur Police Station
Anthiyur
5. The Sub Inspector of Police
Vellithiruppu Police Station
Anthiyur Taluk, Erode District

+1cc to Mr.P.T.Ramadevi, Advocate, S.R.No.44936
+1cc to the Government Pleader, S.R.No.45164

W.P.No.26344 of 2015

LRS (CO)
CA(11/09/2015)