

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.11.2015

C O R A M

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.30248 of 2015

and

M.P.No.1 of 2015

1.R.Govindasamy

2.G.Selvi

...Petitioners

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Kambainallur Town Panchayat,
Rep. By its Executive Officer,
Kambainallur,
Harur Taluk, Dharmapuri District - 635 202.

3.Dilli babu

4.C. Saravanan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 not to lay the cement concrete road in the private patta land of the petitioners in Old Survey No.113/4, and new Sub division No.113/9-H, situated at No.440, Kambainallur village, Harur Taluk, Dharmapuri District, and consequently direct the respondents 1 and 2 to rectify the mistake in the new sub division and Revenue records in respect of the petitioner's property comprised in Survey No.113/4.

For Petitioners : Mr.K. Selvaraj

For RR1 : Mrs.P.Rajalakshmi
Government Advocate

For RR2 : Mr.S. Govindasamy
Additional Government Pleader

For RR4 : Mr.P.Valliappan

For RR3 : No appearance

ORDER

By consent of both parties, the matter is taken up for final disposal at the admission stage.

2. This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 not to lay the cement concrete road in the private patta land of the petitioners in Old Survey No.113/4, and new Sub division No.113/9-H, situated at No.440, Kambainallur village, Harur Taluk, Dharmapuri District, and consequently direct the respondents 1 and 2 to rectify the mistake in the new sub division and Revenue records in respect of the petitioner's property comprised in Survey No.113/4.

3. While it is a case of the petitioner that the disputed property is the private land and it is the case of the respondent that it is a public land. With the said averments, the petitioner already filed a suit in OS.No.118 of 2013, which is pending on the file of District Munsif Court, Harur.

4. The learned counsel appearing for the private respondents submitted that the orders have already been passed by the Revenue authority, which clearly shows the nature of the property.

5. This Court is not willing to go into the said dispute and the very same dispute is pending in O.S.No.118 of 2013. Though the respondents 1 and 2 are not parties therein, it is for the petitioner to implead the present respondents 1 and 2, if so required. Suffice it to direct the District Munsif Court, Harur to dispose of the Injunction application in I.A.No.536 of 2013 in O.S.No.118 of 2013 pending on its file within a period of six weeks from the date of receipt of copy of this order. Liberty is given to the petitioner to implead the necessary parties, if so required. By considering the above, status quo shall be maintained till then. The Trial Court shall not take away the order passed by this Court as it is. It is passed just to maintain the present position and therefore, the same cannot be considered as passed on merit. It is made clear that it is open to the private respondents herein also to file a relevant documents in support of their contention.

This writ petition is disposed of accordingly.
Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gv

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Executive Officer,
Kambainallur Town Panchayat,
Kambainallur,
Harur Taluk,
Dharmapuri District - 635 202.

+ 1 cc to Mr.Selvaraj, Advocate Sr.61546

+ 1 cc to Mr.P. Valliappan, Advocate SR.61581

W.P.No.30248 of 2015
and
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AR-II
EU 23.11.15

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