



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Writ Petition (MD)No.13888 of 2015
and
MP(MD)No.1 of 2015

P.Veluchamy

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Theni Taluk,
Theni District.

3.R.Chandravarnam

... Respondents

Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 1st 2nd and 3rd respondents from in any way demolishing and interfering with the peaceful possession and enjoyment of the property bearing Survey No. 860 situated at Theni to Kumuli Main Road, Veerapandi, Theni District of the petitioner without due process of law and any such other orders as this Court may deem fit and proper.

For Petitioner : Mr.J.Vijayaraja

For Respondents : Mr.M.Murugan

Government Advocate for R1 and R2

ORDER

This Writ petition has been filed praying to issue a Writ of Mandamus forbearing the respondents from in any way demolishing and interfering with the peaceful possession and enjoyment of the property of the petitioner bearing Survey No.860 situated at Theni to Kumuli Main Road, Veerapandi, Theni District without due process of law.

2. Mr.M.Murugan learned Government Advocate takes notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is in possession and enjoyment of the property situated in Survey No. 860, Theni to Kumuli Main Road, Veerapandi, Theni District. The third



respondent who is adjacent owner of the said property filed a suit in O.S.No.36 of 2008 before the learned Munsif Court, Theni and got a decree in his favour and thereafter, the third respondent has filed an Execution Petition in E.P.No.21 of 2012 and the same was allowed. Against the order passed in the said Execution Petition, the petitioner has filed an appeal in E.A.No.48 of 2013 and the same was allowed on 06.02.2014. Thereafter, the petitioner is in possession and enjoyment of the property situated in Survey No.860, Theni to Kumuli Main Road, Veerapandi, Theni District. Though the order passed in E.A.No.48 of 2013 is still in force, the third respondent with the help of the 1st and 2nd respondents, is trying to evict the petitioner from the said property and therefore, the petitioner has given a representation to the first respondent on 22.07.2014 and the same has not been considered. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner has submitted that the third respondent with the help of the respondents 1 and 2 is trying to evict the petitioner from the above mentioned property.

5. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the respondents 1 to 3 will not interfere with the property of the petitioner in future and if the respondents intend to initiate action to evict the petitioner, the same will be done only under due process of law.

6. In view of the submission made by the learned Government Advocate, there is no need to pass further order. Hence, recording the submission made by the learned Government Advocate, this Writ petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Theni District.
- 2.The Tahsildar, Theni Taluk, Theni District.

+1cc to Mr.J.Vijayaraja, Advocate Sr.No.44824
+1cc to The Special Government Pleader 45203

akm/20.08.2015 /2p-5c/

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