



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.16163 of 2015

and

M.P (MD) No.1 of 2015

A.Vadugannan @ Lasar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Collectorate Complex,
Virudhunagar - 626 001.

2.The Superintendent of Police,
Virudhunagar District,
Office of the Superintendent of Police,
Virudhunagar - 626 001.

3.The Tahsildar,
Taluk Office,
Srivilliputhur - 626 125,
Virudhunagar District.

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus directing the first respondent to take appropriate action against the third respondent for interfering illegally with the possession and enjoyment of the property and to direct the second respondent to provide adequate protection to the petitioner for enjoying his property peacefully without any hindrance from the third respondent.

For petitioner : Mr.M.Ashok Kumar

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to take appropriate action against the third respondent for interfering with the possession and enjoyment of the property and to direct the second respondent to provide adequate protection to the petitioner for enjoying his property peacefully without any hindrance from the third respondent.

2. Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.



4.The case of the petitioner is that the petitioner is in possession and enjoyment of the property situated in Sundarpandiapuram Village, Watrap Sub Division, Srivilliputtur Taluk, Virudhunagar District in Survey No.1622/2, 1621/4 measuring 67 cents by putting up a thatched house from the year 1979. While the matter stood thus, since the President of the Melagopalapuram Panchayat interfered with the possession, the petitioner filed a suit in O.S.No.112 of 2010 on the file of the Principal District Munsif, Srivilliputhur, for permanent injunction restraining the respondents therein not to interfere with the possession and enjoyment of the petitioner. The said suit was decreed in favour of the petitioner. As against the same, no appeal was filed. In such circumstances, the third respondent is frequently coming time and again to the petitioner's property and demanding to vacate the property. Therefore, narrating the acts of the third respondent, the petitioner submitted a representation to the respondents 1 and 2 on 14.07.2015. The said representation was not considered so far. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5.Though very many contentions have been raised in the Writ Petition, at the time of making submissions, the learned counsel for the petitioner submitted that if a direction is given to the first respondent to consider the representation of the petitioner, dated 14.07.2015, that would suffice.

6. In view of the submissions made on either side, without going into the merits of the case, this Court directs the first respondent to consider the representation of the petitioner, dated 14.07.2015, on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the first respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Virudhunagar District,
Collectorate Complex, Virudhunagar - 626 001.

2.The Superintendent of Police, Virudhunagar District,
Office of the Superintendent of Police, Virudhunagar - 626 001.

3.The Tahsildar, Taluk Office, Srivilliputhur - 626 125,
Virudhunagar District.

+1cc to M/S.M.Ashok Kumar, Advocate in SR.No 52454

+1cc to Special Government Pleader in SR.No. 52416.

TS/23.09.2015/2P - 6C /SAR -I

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