

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15030 of 2016

And

W.M.P.No.13115 of 2016

1.Bhoopathy

2.Nagammal

... Petitioners

Vs.

1 The District Reveue Officer,
Kancheepuram District,
Kancheepuram.

2 The Tahsildar
Tiruporur Taluk,
Kancheepuram District.

3 Mr. Kanniappan

4 The Sub Inspector of Police
Manambathy Police Station,
Manambathy,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents their men agents and servants from interfering with the peaceful possession and enjoyment of the property of the petitioners situated at 67, Mullipakkam Village, Karpagavinayagar Koil Street, Thirukazhukundram Main Road, Karumbakkam, Thiruporur Taluk, Kancheepuram District comprised in S.No.288/20, to an extent of 0.05 cent each.

For Petitioners : Mr.R.Chandrasekaran

For Respondents : Mr.R.Vijayakumar for R1, R2 and R4
Additional Government Pleader

O R D E R

Mr.R.Chandrasekaran, learned counsel appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that the petitioners are residing in S.No.288/20 admeasuring an extent of 0.05 cent each at 67, Mullipakkam Village, Karpagavinayagar Koil Street, Thirukazhukundram Main Road, Karumbakkam, Thiruporur Taluk, Kancheepuram District and put up a thatched shed and are in possession and enjoyment of the same for more than 60 years. The third respondent by fabricating the documents, is trying to interfere with their possession though the property of the petitioners have been assessed to statutory levies and despite the complaint to the official respondents, no action was taken and hence, they came forward to file this writ petition.

2.Heard the submissions of Mr.R.Chandrasekaran, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice for the respondents 1, 2 and 4.

3.The learned Additional Government Pleader would submit that since it is the dispute between the petitioner and the private respondent, namely, the third respondent the writ petition is not maintainable and the remedy available to the petitioner is to approach the civil forum and instead of doing so, the petitioner has come forward with this writ petition for the purpose of gathering evidence and prays for the dismissal of the writ petition.

4.Though the petitioner prayed for the larger relief, this Court without going into the merits of the claim projected by the petitioners either in this writ petition or in their representation dated 20.01.2016, permits the petitioners to submit one more representation to the respondents 1 and 2, within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 and 2 on receipt of the same, shall consider the said representation and dispose of the same, in accordance with law, after putting on notice, the private respondent namely, Mr.Kanniappan, S/o. Ellappan, Vembuliamman Koil Street, Hasthinapuram, Chengalpet (Taluk), Kancheepuram District and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the third respondent.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The District Reveue Officer,
Kancheepuram District,
Kancheepuram.
- 2 The Tahsildar
Tiruporur Taluk,
Kancheepuram District.
- 3 The Sub Inspector of Police,
Manambathy Police Station,
Manambathy,
Kancheepuram District.

+2cc to M/S.R.Chandrasekaran, Advocate Sr.29380
+1cc to the Government Pleader Sr.29470

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And

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srg 06/06/2016

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