

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.2581 of 2014 and 20757 of 2013

S.Sivakumar .. Petitioner
in both WPs.

Vs.

1. The District Collector
Erode District, Erode.
2. The District Revenue Officer
Erode District, Erode. ... Respondents 1 & 2
in both WPs.
3. Shahul Hammed
The Thasildhar,
Erode Circle, Erode. ... 3rd respondent in
WP:2581/2014
4. The Thasildhar,
Erode Circle, Erode. ... 3rd respondent in
WP:20757/2013
5. The Village Administrative Officer
Punjaikalamangalam Village
Velampalayam, Ganapathy
Palayam Post Erode via.
Erode District. ... 4th respondent
in both WPs.
6. S.Saravana Bhavan ... 5th respondent
in both WPs.
7. S.S.Subbaiyyan ... 6th respondent
in WP.2581/2014

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PRAYER in W.P.No.2581 of 2014: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of 3rd respondent in Na.Ka.No.27951/2013/A6, dated 21.1.2014, and quash the same.

PRAYER in W.P.No.20757 of 2013: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of 2nd respondent in Na.Ka.No.18256/2013/Oo 1, dated 8.7.2013 and quash the same.

For Petitioner in : Mr.K.Doraisami, Sr.Counsel
W.P.No.2581 of 2014 for Mr.Muthumani Doraisami

For Petitioner in : No appearance
W.P.No.20757 of 2013

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader
for respondents 1, 2 and 4
in W.P.No.2581 of 2014 and
respondents 1 to 4 in
W.P.No.20757 of 2013

Ms.R.Poornima
for respondents 5 and 6 in
W.P.No.2581 of 2014 and 5th
respondent in W.P.No.20757
of 2013

No appearance
for 3rd respondent in
W.P.No.2581 of 2014

सत्यमेव जयते
ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

On hearing learned counsel for parties, it transpires that the fifth respondent had earlier filed a complaint for initiation of proceedings under Section 147 of the Code of Criminal Procedure and on the authorities taking action, the petitioner filed W.P.No.20757 of 2013 in respect of the wall in question, in which interim orders were granted on 30.7.2013 in view of the fact that a civil suit for injunction has been filed by the petitioner being O.S.No.218 of 2013 before the District Munsif Court, Erode.

2. Now the father of the fifth respondent (sixth respondent in W.P.No.2581 of 2014) sought for the same process and thus the petitioner has been compelled to approach this court in the present writ petition being W.P.No.2581 of 2014.

3. On our query, we are informed that in the civil suit a Local Commissioner has already been appointed and the suit is pending trial.

4. We are of the view that since the civil court is in seisin of the dispute, the authorities should restrain their hand in the meantime and simultaneously, a direction should be issued to the trial Court to conclude the trial at the earliest in O.S.No.218 of 2013, preferably within six months from the date of receipt of the order.

The petitions, accordingly, stand disposed of. No costs. Consequently, M.P.No.1 of 2014 and M.P.Nos.1 and 2 of 2013 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
Erode District, Erode.
2. The District Revenue Officer
Erode District, Erode.
3. The Thasildhar,
Erode Circle, Erode.
4. The Village Administrative Officer
Punjaikalamangalam Village
Velampalayam, Ganapathy Palayam Post
Erode via Erode District.

+1cc to M/s. Muthumani, Advocate, S.R.No.73954

+1cc to the Government Pleader, S.R.No.73681 & 73685, 72766

KSJ(CO)

EU 23.12.16

W.P.Nos.2581 of 2014 and 20757 of 2013