



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

W.A. (MD) .No.513 of 2016

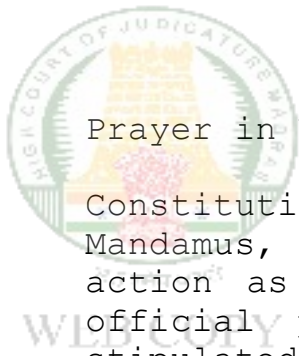
Thangavel

.. Appellant/Petitioner

versus

1. The District Collector,
District Collector Office,
Trichy-1,
Trichy District.
2. The Tahsildar,
Taluk Office,
Manachanallur,
Trichy District.
3. The Superintendent of Police,
District Police Office,
TVS Tollgate,
Trichy-20,
Trichy District.
4. The Inspector of Police,
Samayapuram Police Station,
Samayapuram,
Trichy District.
- 5.T.P.Sundaram Pillai,
- 6.K.Soundarrajan
- 7.P.Dhandapani
- 8.Rathinavel Pillai
- 9.R.Saravana Sekar
- 10.R.Gnagasundaram

... Respondents/Respondents



Prayer in WP(MD). 8031/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 3rd Respondent herein to take appropriate action as against the 4th respondent herein for misuse of his official power in favour of 5 to 10 respondents, within a stipulated period as may be fixed by this Honourable Court.

For Appellant : Mr.R.Rajaraman

For Respondent : Mr.D.Muruganandam R1 to R3

Additional Government Pleader

Mr.N.Shankar Ganesh for R5 to R7

Mr.R.Maheswaran for R8 to R10

JUDGMENT

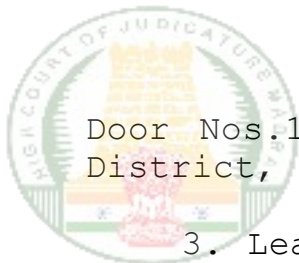
(Judgment of the Court was made by S.MANIKUMAR ,J.)

After advertng to the submissions of the contesting parties, writ Court, vide order, dated 16.06.2015, in W.P.(MD).No.8031 of 2015, in paragraphs 3 and 4 has ordered as hereunder:

"3. The learned counsel for the respondents 8 to 10 fairly submitted that a suit in O.S.No.215 of 2012 on the file of the District Munsif, Lalgudi, filed by the petitioner is pending, where he got an order of interim injunction also. Such being the case, pending disposal, the petition mentioned premises in the suit will never be disturbed by them. Further, he would submit that he will work out before the Civil forum and get the relief. However, the respondents 8 to 10 allege that other than the petition mentioned premises in the suit, the petitioner is trying to enter into mandapam.

4. The petitioner cannot have any hue and cry in this case, as he has rightly approached the civil forum and his interest also is rightly protected by the said forum. Once the Civil Court has come into picture, the police authorities will have no say over the issue in question. The respondents 8 to 10 have also gone to the extent of saying that the petition mentioned properties will never be disturbed by them, so also, the submission of the learned Govt. Advocate. Therefore, this writ petition is disposed of making it clear that other than the petition mentioned premises in the suit, the petitioner shall not claim or use any properties including mandapam. No costs. Consequently, connected miscellaneous petition is closed."

2. Though the said order is assailed on various grounds, *prima facie*, we are not inclined to interfere with the same except ~~the rights of the appellant to possess and enjoy the~~ properties granted by the civil Court, in so far as shops bearing



Door Nos.10/1 and 10/2, Manachanallur Taluk, Samayapuram, Trichy District, alone would be protected.

3. Learned counsel on either side have consented to the above order. Order in this appeal is subject to the orders to be passed by the civil Court. Writ appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Office,
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Trichy District.
2. The Tahsildar,
Taluk Office,
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Trichy District.
3. The Superintendent of Police,
District Police Office,
TVS Tollgate,
Trichy-20,
Trichy District.
4. The Inspector of Police,
Samayapuram Police Station,
Samayapuram,
Trichy District.

+ 1 CC TO MR.R.RAJARAMAN, ADVOCATE IN SR NO. 19402
+ 1 CC TO MR.R.MAHESWARAN, ADVOCATE IN SR NO. 19550
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO.19687

JIKR
TE/SKS-RR/ : 20/04/2016 : 3P/8C

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