

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.03.2016****CORAM:**

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

Writ Appeal (MD).No.535 of 2016

M.Perumal ... Appellant/Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The Special Tahsildar,
Aadhidravida Welfare,
Madurai District.

3. The Sub-Inspector of Police,
Othakkadai Police Station,
Othakkadai,
Madurai District.

4. Pasumpon

5. Arasi

... Respondents/Respondents

Prayer: Writ Appeal is filed under Section 15 of Letters Patent Appeal against the order passed by His Lordship Mr.Justice M.JEYAPPAUL dated 06.07.2010 in W.P.No.8364 of 2010 on the file of the Hon'ble High Court of Judicature at Madras, Madurai Bench.

Prayer in WP(MD). 8364/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the 1st to 3rd respondents to recover the colony House bearing survey No. 153/17 situated in Annamalaipuram, Perungudi, Madurai District from the illegal custody of the 4th and 5th respondent and consequent to give protection to the petitioner and to the family members.

For Appellant : Mr.A.Rajini

For R1 & R3 : Mr.VR.Shanmuganathan
Special Govt. Pleader

For R4 & R5 : Mr.K.Mahendran

**JUDGMENT**

(Judgement of the Court was made by **C.T.SELVAM, J.**)

Challenge has been made to the order of the learned Single Judge of this Court passed in W.P.No.8364 of 2010 dated 06.07.2010.

2. Learned counsel for appellant has consented to taking up the matter for final disposal.

3. The mother of petitioner was granted Patta No.108 to Survey No.153/17. The petitioner, in W.P.(MD).No.8364 of 2010, informed that there was no loan transaction between the petitioner's mother and the fourth respondent, who had fabricated documents and illegally occupied her house and that on a complaint had been preferred in this regard by the petitioner's wife, a case was registered in Crime No.263 of 2008 for offences under Sections 294(b), 323 and 452 of Indian Penal Code. Thereafter, the petitioner has filed the W.P. (MD).No.8364 of 2010 and sought a direction to the respondents 1 to 3 to recover the colony house bearing Survey No.153/17 situated in Annamalaipuram, Perungudi, Madurai District from the illegal custody of the respondents 4 and 5 and to afford protection to the petitioner and his family members.

4. While dismissing the Writ Petition, learned Single Judge has observed that all properties in respect of which wrong doing was alleged belonged to mother of the petitioner and as such, the petitioner had no *locus standi*. Learned Single Judge has also taken note of the case registered in Crime No.263 of 2008 and observed that if the petitioner's mother has any grievance regards the loan transaction between her and the fourth and fifth respondents, remedy would have to be sought before the Civil forum. The contention made on the side of the respondents 1 to 3 that once Patta in Natham land was granted to the mother of the petitioner, they had nothing further to do with the property was also taken note of.

5. Finding no error in the order of learned Single Judge, the Writ Appeal is dismissed.

sd/

Assistant Registrar(P&A)

/True copy/



To

- 1.The District Collector, Madurai District
- 2.The Special Tahsildar, Aadhidraida Welfare, Madurai District.
- 3.The Sub Inspector of Police, Othakadai police station,
othakadai, Madurai District.

SDR/SKS-RR/28.04.2016/3P/4C

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