

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.10577 of 2017 and
W.M.P.No.11521 of 2017

1.Kuppusamy
2.M.Perumal
3.M.Ellappan

... Petitioners

Vs.

1.The State of Tamil Nadu
rep by the District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.

3.Saroja

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to consider the representation of the petitioners dated 13.04.2017 by preventing the 3rd respondent from interfering with the peaceful possession and enjoyment of the property bearing Survey No.11/34, Patta No.262 situated at Thennathur Village, Vandavasi Taluk, Thiruvannamalai District measuring about 3 cents (in the boundary of Ariyampoondi), to secure the ends of Justice.

For Petitioners: Mr.R.Sankarasubbu

For Respondents: Mr.A.N.Thambidurai,

Special Government Pleader (R1 & R2)

O R D E R

The petitioners have filed the above Writ Petition to issue a writ of mandamus directing the 1st respondent to consider the petitioners' representation dated 13.04.2017 by preventing the 3rd respondent from interfering with the peaceful possession and enjoyment of the property bearing Survey No.11/34, Patta No.262 situated at Thennathur Village, Vandavasi Taluk, Thiruvannamalai District measuring about 3 cents (in the boundary of Ariyampoondi).

2.On a reading of the averment stated in the affidavit filed in support of the petition, it is clear that the dispute between the petitioners and the 3rd respondent is civil in nature.

3.Mr.A.N.Thambidurai, learned Special Government Pleader taking notice for the respondents 1 & 2 submitted that since the dispute is between the petitioners and the 3rd respondent, the petitioners should approach only the Civil Court and not by way of a Writ Petition before this Court.

4.In view of the submissions made by the learned counsel on either side, since the dispute is between the petitioners and the 3rd respondent, I am of the considered view that the petitioners should have filed Civil Suit against the 3rd respondent for permanent injunction. The petitioners cannot obtain an order of injunction through the 1st respondent, the District Collector. However, since the petitioners have given a representation to the 1st respondent, the 1st respondent shall consider the same and pass suitable orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

va
To

1.The District Collector,
State of Tamil Nadu,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.

+ 1 cc to Mr.R. Sankarasubbu, Advocate SR.25351

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MG (CO)
Eu 4.5.17

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