

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.9567 of 2017
& WMP No.10511 of 2017

T.Sellamuthu

..Petitioner

Vs.

1.The District Collector,
Namakkal,
Namakkal District.

2.The Commissioner,
Thiruchengode Municipality,
Thiruchengode Taluk,
Namakkal District.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the first respondent to initiate appropriate action against the second respondent for trying to obtain forcible possession of the property situated at Ward No.25, Paaloothu Street, Thiruchengode Taluk, Thiruchengode Town, with a total extent of 1370 sq.ft., of land which are in possession of the petitioner and his family, based on the representation dated 12.04.2017 sent by the petitioner.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.P.V.Selvakumar,
Addl. Government Pleader
for RR 1&2

ORDER

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents.

2.The petitioner has filed a suit way back in the year 2004 in O.S.No.710 of 2004 seeking a relief of permanent injunction inter alia alleging that under the guise of enforcing the settlement deed executed by the predecessor by forefathers as

early as 21.06.1956, the private property is being sought to be interfered with. Unfortunately, the suit was dismissed for default on 19.10.2016 though a written statement was filed by the second defendant on 25.07.2008. An application in I.A.No.552 of 2016 in O.S.No.710 of 2004 has been filed for restoration of the above suit, which was also dismissed on 01.02.2017. Against the said order, an appeal is filed in C.M.A.No.1 of 2017. Thereafter, a representation was given on 12.04.2017 by the petitioner and immediately, this writ petition has been filed seeking the relief sought for.

3. The facts narrated above would clearly show that remedy of the petitioner lies elsewhere instead of rushing to this Court at the last hour after giving representation on 12.04.2017. Therefore, this Court is not willing to entertain this writ petition by going into the facts of the case. Suffice it is to direct the learned Sub Judge, Thiruchengode, to dispose of C.M.A.No.1 of 2017, if not disposed of already, within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

raa

To

1.The Sub Judge,
Thiruchengode.

2.The District Collector,
Namakkal, Namakkal District.

3.The Commissioner,
Thiruchengode Municipality,
Thiruchengode Taluk,
Namakkal District.

+ 1 cc to M/s. C.D.Sugumar, Advocate Sr.23722

+ 1 cc to Government Pleader Sr.24043

W.P.No.9567 of 2017

RR(CO)

EU 5.5.17