

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM

THE HON'BLE MR. JUSTICE M. DURAISWAMY

W.P.No.10991 of 2017 and
W.M.P.Nos.11959 to 11961 of 2017

E.Karpagam

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep by Revenue Divisional Officer,
Tambaram, Chennai.

2.N.Sundaram

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records from the 1st respondent relating to the proceedings dated 01.03.2017 bearing Ref.No.Pa.Mu.2652/2016/A and quash the same as illegal, arbitrary, unconstitutional without jurisdiction.

For Petitioner : Mr.S.Saravanakumar

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader (R1)

Mr.Sellapandi (R2)

सत्यमेव जयते
O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorari calling for the records from the 1st respondent relating to the proceedings dated 01.03.2017 and to quash the same.

2.By proceedings dated 01.03.2017, the 1st respondent restrained the petitioner and the 2nd respondent from entering into the property, which is the subject matter in O.S.No.463 of 2016 pending on the file of the District Munsif Court, Alandur. The 2nd respondent filed the suit in O.S.No.463 of 2016 for permanent injunction. The defendants therein are contesting the

suit. The writ petitioner is the 1st defendant in the suit. In the said suit, the 2nd respondent has also filed an application in I.A.No.827 of 2016 praying for interim injunction.

3.The learned counsel appearing for the 2nd respondent submitted that the said injunction application is still pending before the trial Court.

4.The learned counsel appearing for the petitioner submitted that the petitioner had filed her counter in the injunction application in I.A.No.827 of 2016.

5.Since the dispute with regard to the possession of the property is pending before the Civil Court, it would be proper to direct the trial Court to decide the issue with regard to possession of the property and in such an event, the judgment and decree of the trial Court is binding on the 1st respondent. The 1st respondent has passed the impugned order going into the issue with regard to the possession of the properties, when the said issue is pending before a Civil Court. The 1st respondent had exceeded his jurisdiction while passing the impugned order, which is liable to be set aside.

6.The learned counsel on either side submitted that the impugned order dated 01.03.2017 can be set aside and the trial Court may be directed to decide the suit in accordance with law. Further, the learned counsel appearing for the 2nd respondent submitted that the trial Court may be directed to decide the injunction application in I.A.No.827 of 2016 within a time frame.

7.In view of the submissions made by the learned counsel on either side, the impugned order dated 01.03.2017 is set aside. The District Munsif Court, Alandur is directed to dispose of the injunction application in I.A.No.827 of 2016 on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. The trial Court is also directed to decide the suit in O.S.No.463 of 2016 as expeditiously as possible.

8.With these observations, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

va

To

1.The District Munsif Court, Alandur

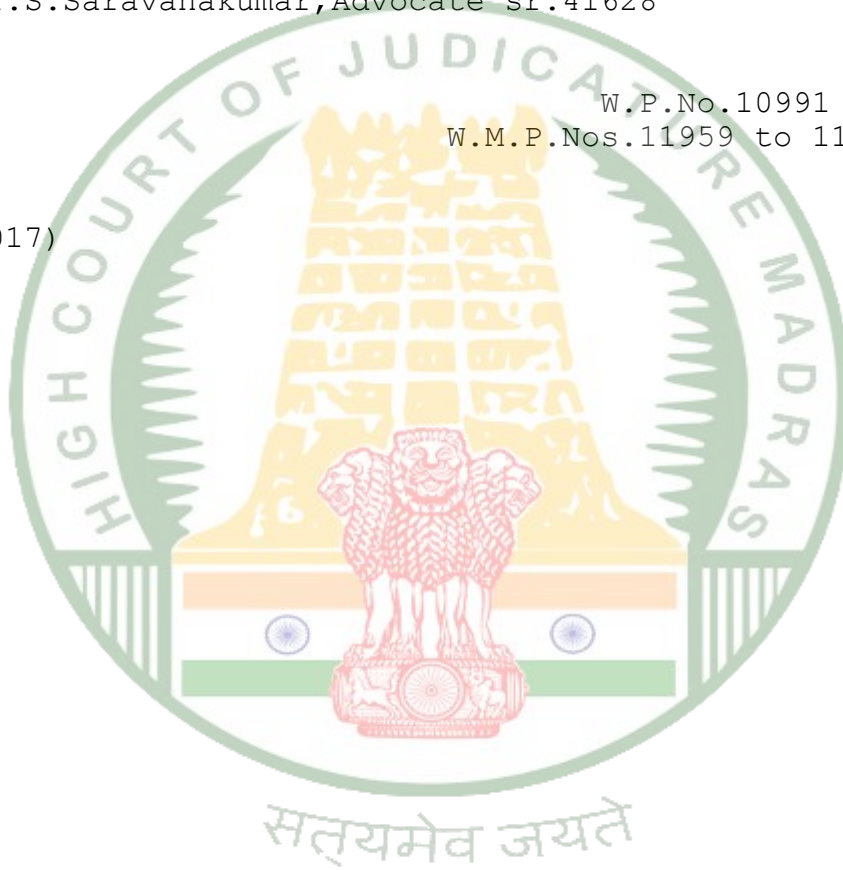
2.The Revenue Divisional Officer,
State of Tamil Nadu,
Tambaram, Chennai.

+1cc to Mr.T.Sellapandian,Advocate sr.41548

+1cc to Mr.S.Saravanakumar,Advocate sr.41628

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pvs (co)
ss(22/6/2017)



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