

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.11.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.28388 of 2017
and
WMP.No.30485 of 2017

N.Loganathan

... Petitioner

vs.

The Assistant Commissioner / Executive Officer
Arulmigu Subramania Swamy Thirukoil
Sivanmalai, Kangayam Taluk,
Tiruppur District.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from interfering with the petitioner's land and spinning mill situated in R.S.Nos.791/1A and 791/1B (R.S.Nos.791/1A2, 791/1B2, 791/1A1, 791/1B1 and 791/1B3) Old S.No.321, Inam Abolition No.1232/1 and 1232/3 to the extent of 9.31 acres of land Sivanmalai Village, Kangayam Taluk, Tiruppur District without due process of law.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.M.Maharaja
Special Government Pleader

O R D E R

This writ petition is filed seeking for a mandamus, forbearing the respondent from interfering with the petitioner's land and spinning mill situated in R.S.Nos.791/1A and 791/1B (R.S.Nos.791/1A2, 791/1B2, 791/1A1, 791/1B1 and 791/1B3) Old S.No.321, Inam Abolition No.1232/1 and 1232/3 measuring to an extent of 9.31 acres of land Sivanmalai Village, Kangayam Taluk, Tiruppur District without due process of law.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader appearing for the respondent.

3. Upon perusing the averments made in the accompanying affidavit filed in support of the writ petition as well as the

submission made by the learned counsel for the petitioner, it appears that the dispute between the parties is purely a civil dispute over the subject matter property, which according to the petitioner belongs to him by way of long and continuous possession. No doubt the petitioner seeks to rely on certain revenue documents in support of such claim. This Court, while exercising its jurisdiction under Article 226 of the Constitution of India, is not inclined to go into the question of such title to the property, more particularly, when the very relief sought for in this writ petition is nothing but a prayer as could be sought for in a bare Injunction suit. Therefore, it is for the petitioner to work out his remedy before the competent Civil Court by way of appropriate proceedings in a manner known to law. Without doing so, the petitioner has approached this Court, and filed the present writ petition, which this Court, is not inclined to entertain. Accordingly, this writ petition is dismissed, without going into the merits of the matter, however by granting liberty to the petitioner to agitate the matter before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk

To

The Assistant Commissioner / Executive Officer
Arulmigu Subramania Swamy Thirukoil
Sivanmalai, Kangayam Taluk,
Tiruppur District.

+1 cc to Mr.C.Prakasam Advocate sr 78801

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