

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No. 18985 of 2007

Raghu

... Petitioner

-Vs-

1.The Regional Divisional Officer,
Perambalur District.

2. The President,
Siruvachur Panchayat,
Siruvachur, Perambalur District.

3.Selvi

4.P.Nagaraj

5.P.Ramraj

6.R.Chitra

7.P.Durairaj

8.Kathamuthu

9.R.Anandaraj

10.A.Ayyasamy

11.K.Sannasi

12.P.Chinnadurai

13.R.Prabakaran

14.R.Ravichandran

15.S.Rangaraju

... Respondents

(R3 to 15 impleaded as per order dated
22.04.2008 in M.P.No.1 of 2008 in
W.P.No.18985 of 2007 by NPVJ)

Prayer : This Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, to forbear
the 1st respondent from interfering with the petitioner's
peaceful possession and enjoyment of the property situate in
S.No.352/3B, Siruvachur village, Perambalur Taluk & District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.S.Gunasekaran,
Addl. Government Pleader for RR1& 2
Mr.R.Babu (for RR3 - 15)

O R D E R

The petitioner has approached this Court seeking the following relief:

"To issue a Writ of Mandamus, to forbear the 1st respondent from interfering with the petitioner's peaceful possession and enjoyment of the property situate in S.No.352/3B, Siruvachur village, Perambalur Taluk & District."

2. After admission of the writ petition, the respondents 3 to 15 got themselves impleaded in this writ petition. The apprehension expressed by the petitioner in this case that the lands belonging to the petitioner illegally being subjected to acquisition by the official respondents and not allowing the petitioner to enjoy the property uninterruptedly and absolutely.

3. However, after the impleadment of the private respondents namely the respondents 3 to 15, it is brought to the notice to this Court that there is a civil dispute pending between the parties namely the petitioner and the private respondents in two different suits namely O.S.No.790 of 2003 and O.S. No.721 of 2004 on the file of the District Munsif Court, Perambalur and the same are still pending.

4. In spite of the sufficient time granted to the learned Additional Government Pleader and the respondents 1 & 2, no instructions are forth coming. In any event, it is informed that there is no acquisition proceedings initiated or pending against the petitioner or the respondents 3 to 15, who are also claiming the same kind of right over the property in question.

5. In view of the above and in view of the pendency of the civil case between the petitioner and respondents 3 to 15, the dispute cannot be resolved by this Court under Article 226 of the Constitution of India. Therefore, this writ petition is not maintainable and therefore, the same is dismissed. It is up to the parties to work out their remedy in the pending suits on the file of the District Munsif Court, Perambalur. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Regional Divisional Officer,
Perambalur District.

2. The President,
Siruvachur Panchayat,
Siruvachur, Perambalur District.

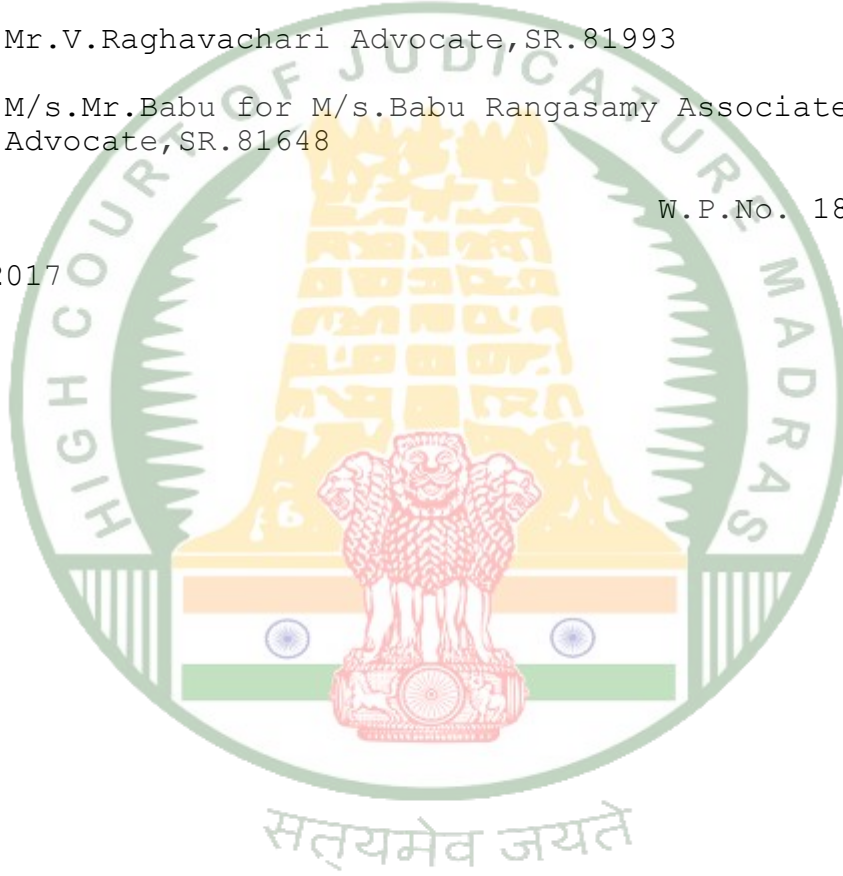
3.The District Munsif Court,
Perambalur.

+ 1 cc to Mr.V.Raghavachari Advocate,SR.81993

+ 1 cc to M/s.Mr.Babu for M/s.Babu Rangasamy Associates,
Advocate,SR.81648

W.P.No. 18985 of 2007

NR 20/11/2017



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