

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.33329 of 2003

and

W.P.M.P.No.40315 of 2003

1. Ramasamy (died)

2. Pichaiammal

(Second petitioner substituted in the place of the deceased first petitioner, vide order dated 07.09.2017 passed in W.M.P.No.25179 of 2017)

... Petitioners

Vs.

1. District Collector, Trichy District.

2. Tahsildar,
Thottiyam Taluk,
Thottiyam, Trichy District.

3. The Commissioner,
Thottiyam Union,
Thottiyam, Trichy District.

4. The President,
Mullipadi Panchayat,
Mullipadi,
Thottiyam Taluk,
Trichy District.

5. Inspector of Police,
Thottiyam,
Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondents, their men and agents from in any way interfering with the petitioner's peaceful possession and enjoyment of the property in S.F.No.135/3, Alagarai Village, Thottiyam Taluk, except by due process of law.

For Petitioners : Mr.A.Vignesh for
M/s.Sarvabhauman Associates

For Respondents : Mr.Akhil Akar Ali,
Govt. Advocate for RR-1, 2 & 5
Mr.G.S.Jayakumar for R-3
Mr.D.Sairam Kumar for R-4

ORDER

It is stated by the learned counsel for the petitioners that the original writ petitioner is no more. It is seen that the Temple authorities have also not been made as parties to the Writ Petition. The learned counsel for the petitioners drew the attention of this Court to the proceedings of the Tahsildar, dated 03.03.2006, wherein the name of the person who is sought to be substituted as second petitioner in the place of the deceased first petitioner, has been incorporated in the records. Learned Government Advocate submitted that the period of lease is already over and that in any event, the relief sought for in this Writ petition may not be granted by this Court, as the petitioner will have to seek relief only before appropriate civil forum. Without advertting to any of the submissions made supra, as the original writ petitioner is no more, this Court dismisses this Writ Petition and permit the person who is sought to be substituted as second petitioner to agitate her remedy in accordance with law. The relief sought for as such in the present Writ Petition cannot be granted. The substitution petition in W.M.P.No.25179 of 2017 was allowed by this Court today (07.09.2017), though the petitioner in the substitution petition, has no locus-standi for substituting her in the place of the deceased first petitioner as a matter of right. With these observations, the Writ Petition is dismissed. No costs. W.P.M.P.No.40315 of 2003 is closed.

Sd/

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. District Collector,
Trichy District.

2. Tahsildar, Thottiyam Taluk,
Thottiyam, Trichy District.

3. The Commissioner, Thottiyam Union,
Thottiyam, Trichy District.

4. The President,
Mullipadi Panchayat,
Mullipadi, Thottiyam Taluk,
Trichy District.

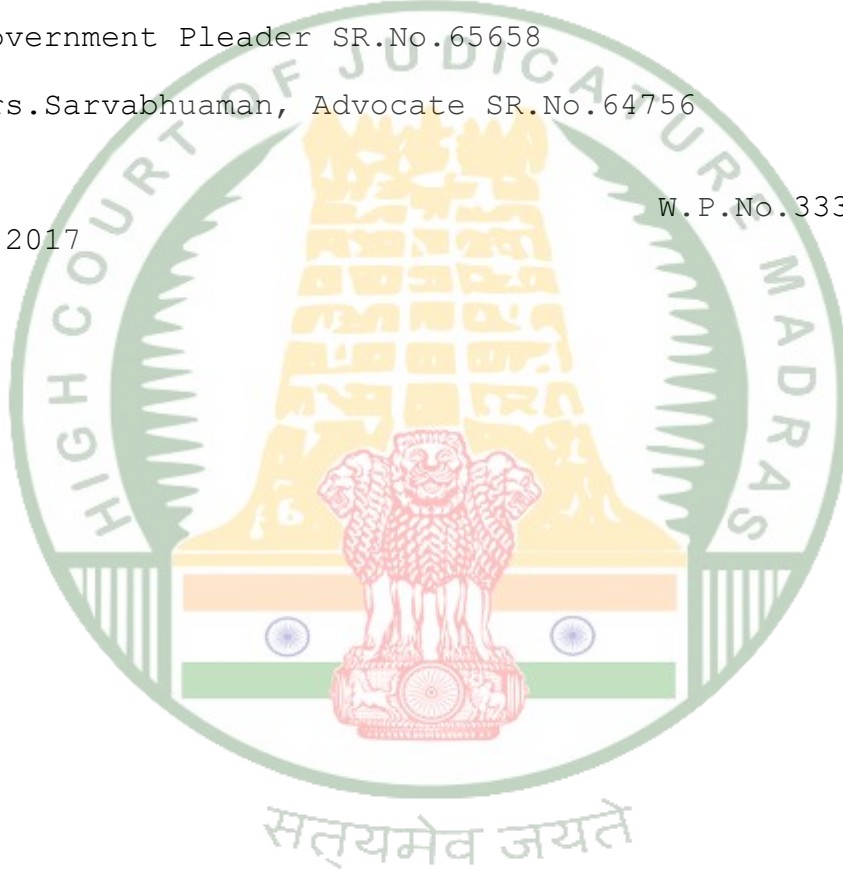
5. Inspector of Police,
Thottiyam,
Trichy District.

+1cc to Government Pleader SR.No.65658

+1cc to Mrs.Sarvabhuaman, Advocate SR.No.64756

SDR 23.10.2017

W.P.No.33329 of 2003



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