



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) No.1236 of 2014 &
M.P.(MD).No.2 of 2014

U.Anandan Pillai ...Appellant/Writ Petitioner
Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Srivaikuntam Taluk,
Srivaikuntam,
Thoothukudi District.
- 3.The Inspector of Police,
Srivaikuntam Police Station,
Srivaikuntam,
Thoothukudi District.

4.S.Paldurai ... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order passed in W.P.(MD).No.20055 of 2013, dated 28.02.2014.

Prayer in WP(MD)No.20055/2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to remove the Board Installed by him in the petitioner's land situated in Survey No.230/2A, Srivaikuntam Kaspas and Village, Thoothukudi District as well as direct the 3rd respondent to give adequate protection to the petitioner's life property.

For Appellant : Mr.G.Thalaimutharasu
For Respondents : Mr.VR.Shanmuganathan
1 to 3 Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH,J]

<https://hcservices.courts.gov.in/hcservices/>
The appellant is the writ petitioner. The writ petition has been filed *inter alia* alleging that the appellant is a cultivating



tenant and a caution board has been clandestinely put up by the respondent No.2 and therefore, some yield have to be removed with further direction to the respondents to give adequate protection.

2. Admittedly, for the very same relief, the appellant had filed a suit claiming to protect his possession on the premises that he is a cultivating tenant of a temple, who is not a party before us. The learned Single Judge taking note of the fact that the petitioner/appellant has raised paddy, passed an order permitting the appellant to harvest the same and deposit the amount to the credit of Suit. An interim direction was also granted. Challenging the same, the appellant is before us.

3. The learned counsel for the appellant submitted that the order has been passed contrary to the relief sought for.

4. Such a contention is rejected, since the power under Article 226 of the Constitution of India is rather wide. The learned Single Judge took notice of the pendency of the suit filed by the appellant and declined to agitate the very same issue. In fact, the learned Single Judge in our considered opinion has granted an order in favour of the appellant. There is no need in filing this appeal. This Court cannot go into the disputed question of facts, especially when a civil Court is looking into that aspect. Accordingly, the writ appeal stands dismissed. No costs. The learned District Munsif, Srivaikuntam, is directed to dispose of the suit in O.S.No.124 of 2013, on merits and in accordance with law, within a period of 6 months from the date of receipt of a copy of this order. The learned District Munsif is directed to dispose of the suit without being influenced by any of the observations made in this proceedings. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Thoothukudi District, Thoothukudi.

2.The Tahsildar, Srivaikuntam Taluk, Srivaikuntam,
Thoothukudi District.

3.The Inspector of Police, Srivaikuntam Police Station,
Srivaikuntam, Thoothukudi District.

+One cc to The Special Government Pleader, SR.No.63489

Copy to:- The District Munsif, Srivaikundam

jikr

RL/6C/2P/KP/SAR1/20/7/2017

W.A. (MD) No.1236 of 2014