



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13927 of 2013
and
M.P.(MD) Nos.1 and 2 of 2013

G.kesavan

... Petitioner

vs.

1. The Tahsildar,
Thottiam Taluk,
Trichy District.

2. P.Sangapillai
3. A.Ganesan

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent made in Na.Ka.A1-2721-2012 dated 7.06.2013 and quash the same and consequently forbear the 1st respondent from evicting the petitioner in respect of survey No.420/7 Appannallur Village, Thottiyam Taluk, Trichy District until the disposal of OS.No.101 of 2002 on the file of the District Munsif Court Musiri.

For Petitioner : Mr.R.Murali for
Mr.K.Govindarajan
For Respondents : Mr.M.Govindan,
Spl.Govt.Pleader for R1

O R D E R**(Order of the Court was made by K.K.SASIDHARAN, J)**

The order passed by the first respondent dated 07 June 2013, directing eviction of the petitioner in respect of the property in survey No.420/7, Appannallur Village, Thottiyam Taluk, Trichy District, is under challenge in this writ petition.

2. Subsequent to the initiation of the writ petition, the civil suit filed by the petitioner in O.S.No.101 of 2002 was decreed by the learned District Munsif, Musiri by judgment and decree dated 05



April 2016. In view of the subsequent events, the order impugned in this writ petition is liable to be set aside.

3. We set aside the order dated 07 June 2013 and remit the matter to the first respondent for fresh consideration. The first respondent is directed to consider the matter afresh in the light of the civil Court decree, in case, the said decree has become final.

4. The writ petition is allowed as indicated above. However, we make it clear that this order would not stand in the way of the respondents from filing appeal against the judgment and decree dated 05 April 2016 made in O.SNo.101 of 2002 on the file of the learned District Munsif, Musiri. No costs. Consequently, consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Thottiam Taluk,
Trichy District.

+ 1 CC TO Mr.K.GOVINDARAJAN, ADVOCATE IN SR No. 64242

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TE/KP/SAR-I : 21/07/2017 : 2P/3C

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