

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.6768 of 2018

and

WMP.Nos.8386 & 8387 of 2018

1.S.Gnanavel
S/o.Sadasivam

2.G.Mani
S/o.Ganesan

3.M.Kannan
S/o.Munisundaram

.. Petitioners

Vs.

1.The Revenue Divisional Officer
Revenue Divisional Office
Ponneri.

2.The Tahsildhar
Tahsildhar Office
Ponneri.

3.The Inspector of Police
M-7, Manali New Town Police Station
Manali - 600 068.

4.R.Sundaram
S/o.Ramalingachari

5.S.Palani
S/o.Sundaram

6. S. Srinivasa S/o. Sundaram

7. K. Elumalai S/o. Krishtappan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents in any way interfering with the peaceful possession and enjoyment of the immovable agricultural property in S.No.95/3, 96/5, Vichoor Village, Ponneri Taluk, Thiruvallur District till the disposal of appeal dated 14.12.2017 on the file of the 1st respondent.

For Petitioners:Mr.I.Arokiasamy

For Respondents: Mr.R.Govindasamy
Special Government Pleader
for R1 to R3

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 to 3. Since this writ petition is being disposed of, without affecting the interest of the respondents 4 and 5, notice to those respondents is dispensed with.

2. This writ petition is filed by the petitioners seeking for mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the subject matter property, pending disposal of the appeal before the first respondent, arising out of Patta proceedings.

3. Heard the learned counsel for the petitioners.

4. It is stated that as against the order passed by the Tahsildhar in the patta proceedings, these petitioners have filed an appeal before the first respondent on 14.12.2017 and the said appeal is pending. Now, the grievance of the petitioners is that during the pendency of the said appeal, the private respondents with the help of the Police are trying to interfere with the petitioners' peaceful possession. I do not think that these petitioners can approach this Court and file the present writ petition with the relief as stated supra, which in effect, is seeking for injunction against the private respondents from interfering with the petitioners' peaceful possession in respect of the subject matter property, during the pendency of the appeal before the first respondent.

5. Needless to say that such relief is purely civil in nature, has to be agitated before the competent Civil Court. However, as it is stated that the appeal is pending before the first respondent, without expressing any view on the merits of the matter, this writ petition is disposed of, only with a direction to the first respondent to consider the appeal filed by the petitioners and pass orders on the same on merits in accordance with law, after hearing the petitioners as well as

the respondents 4 & 5 and other interested parties, if any. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Revenue Divisional Officer
Revenue Divisional Office
Ponneri.
2. The Tahsildhar
Tahsildhar Office
Ponneri.
3. The Inspector of Police
M-7, Manali New Town Police Station
Manali - 600 068.

+ 1 cc to Mr. I. Arokiasamy, Advocate SR.22028
+ 1 cc to Mr. Government Pleader SR.22816

W.P.No.6768 of 2018

AD(CO)
EU(10/04/2018)

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