

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28535 of 2018 and
WMP.No.33282 of 2018

Mr.A.Baskar

...Petitioner

..Vs..

1.The District Collector,
Tiruvallur,
Tiruvallur District.

2.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri,
Tiruvallur District.

3.The Tahsildar,
Ponneri Taluk,
Ponneri,
Tiruvallur District.

4.The Taluk Surveyor,
Ponneri Taluk,
Ponneri,
Tiruvallur District.

5.The Inspector of Police,
E3-Minjur Police Station,
Minjur - 601 203,
Tiruvallur District.

6.Mr.Angamuthu,
S/o.Sriramulu

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the Respondents 1 to 5 and their subordinates from interfering in any manner or disturbing the Petitioner's peaceful possession and enjoyment of the property in Survey No.519/1A, an extent of 45 cents, situated at Vallur- II Village, Minjur Firka, Ponneri Taluk, Tiruvallur District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents: Mr.V.Shanmuga Sundar (for RR1 to 5)
Special Government Pleader

: Mr.S.Sugendran (for R6)

O R D E R

This Writ Petition has been filed seeking to forbear the Respondents 1 to 5 and their subordinates from interfering in any manner or disturbing the Petitioner's peaceful possession and enjoyment of the property in Survey No.519/1A, an extent of 45 cents, situated at Vallur- II Village, Minjur Firka, Ponneri Taluk, Tiruvallur District.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 5 as well as the learned counsel appearing for the sixth respondent.

3. The case of the petitioner is that petitioner's father had purchased the lands in Survey No.519/1, an extent of 45 cents and Survey No.520, an extent of 4 cents, situated at Vallur-II village, Minjur Firka, Ponneri Taluk, Tiruvallur District on 29.01.1972 from Sonadri Gurukkal and Srinivasa Gurukkal. As the sale deed had not been executed, the petitioner's father filed a civil suit in O.S.No.229 of 1991 before the learned District Munsif, Ponneri for specific performance and the same was decreed on 19.11.2003. Against which, an appeal was filed before the learned Sub Judge, Ponneri in A.S.No.22 of 2004, which was dismissed on 31.10.2008. Challenging the same, the second Appeal in S.A.No.68 of 2013 was filed before this Court and the same is said to be pending and there is no interim order passed by this Court.

4. The sixth respondent herein had made an attempt to interfere with the peaceful possession and enjoyment of the said property claiming to have purchased the same from one Abdul Razak, by entering into suit property constraining the petitioner to file O.S.No.116 of 2018 for permanent injunction and interim injunction was also granted on 28.04.2018 in I.A.No.334 of 2018.

5. The above said facts make it clear that the petitioner has got every right to be in possession of the property and his possession is duly protected by the interim order of the Court. The third respondent had issued a letter dated 11.10.2018

stating that in S.No.519/1A2, police protection has to be given to the sixth respondent while the land being surveyed. When there is an order of the Court granting injunction against the sixth respondent, the third respondent has issued the said order. Hence the writ petition is filed seeking to forbear the respondents from interfering the peaceful possession of the petitioner, which is now kept in abeyance by letter dated 07.11.2018 in Na.Ka.No.3801/2018/A2. The third respondent-Tahsildar had sent a communication to the petitioner as well as the sixth respondent stating that till the suit in O.S.No.116 of 2018 on the file of District Munsif Court, Ponneri, reaches finality, this survey will not be taken up in the petition mentioned land viz., S.No.519/1A2.

6. In view of the said communication sent by the third respondent, the relief sought for by the petitioner is fulfilled. Recording the said communication, the writ petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

arr/mtl
To

1.The District Collector,
Tiruvallur,
Tiruvallur District.

2.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri,
Tiruvallur District.

3.The Tahsildar,
Ponneri Taluk,
Ponneri,
Tiruvallur District.

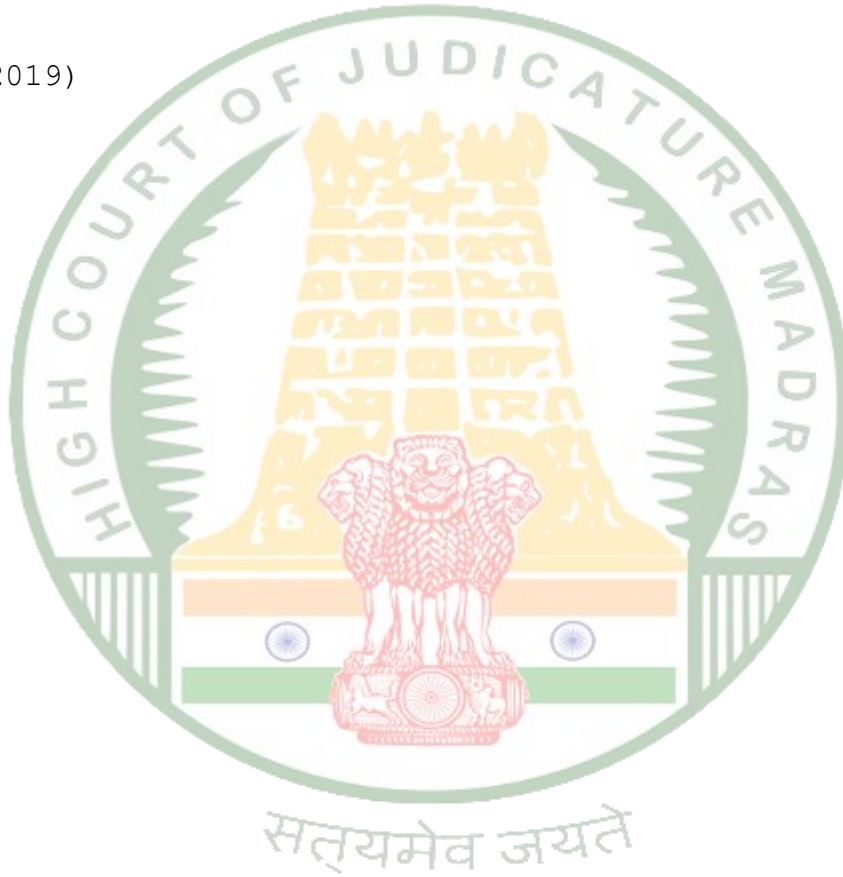
4.The Taluk Surveyor,
Ponneri Taluk,
Ponneri,
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5.The Inspector of Police,
E3-Minjur Police Station,
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+1 CC to Mr.S.Sugendran, Advocate sr 85337.
+1 CC to Mr.R. Jothimanian, Advocate sr 85826.

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JP (CO)
SP (04/01/2019)



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