



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.11080 of 2018
and
W.M.P. (MD) Nos.10151 & 10152 of 2018

M.Tamilarasan

...Petitioner

Vs.

1. The District Collector,
Ramanathapuram.
2. The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.
3. The Revenue Inspector,
Mandapam, Office of Tahsildar,
Ramanathapuram.
4. Neelamegam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the second respondent dated 16.04.2018 made in his proceedings Na.Ka.P9/2695/2017 and quash the same insofar as the petitioner is concerned and pass suitable orders directing the second respondent to hold proper enquiry with relevant records and also the documents of title relating to the properties of the petitioner, fourth respondent and the adjacent owners to S.No.242/8 and 242/17 Puthumadam Village, Ramanathapuram Taluk and District.

For Petitioner : Mr.V.Sitharanjandas
For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader
for R.1 to R.3
Mr.S.Visvalingam
for R.4

**O R D E R**

(Order of the Court was made by M.DURAISWAMY., J)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the second respondent, dated 16.04.2018 and quash the same insofar as the petitioner is concerned and direct the second respondent to hold proper enquiry with relevant records and documents of title relating to the properties of the petitioner, fourth respondent and the adjacent owners to S.No.242/8 and 242/17 Puthumadam Village, Ramanathapuram Taluk and District.

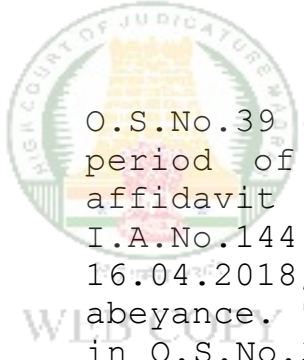
2. Admittedly, the petitioner has filed a civil suit in O.S.No.39 of 2017 on the file of Subordinate Court, Ramanathapuram, for declaration and permanent injunction. It was also brought to the notice of this Court that the petitioner has also filed an application in I.A.No.144 of 2017 in O.S.No.39 of 2017 for interim injunction. It was brought to the notice of this Court that when the application in I.A.No.144 of 2017 was taken up for hearing, the fourth respondent, namely, Neelamegam, filed an application in I.A.No.400 of 2017 to get himself impleaded as a defendant in the suit. Because of the said reason, the Trial Court has not passed any order and adjourned the matter to some other date.

3. When the writ petition is taken up for hearing, the learned Counsel appearing on either side submitted that it would suffice to direct the trial Court to dispose of the suit within a time frame.

4. The learned Counsel appearing for the petitioner submitted that since the trial Court has not passed any order in the interim application in I.A.No.144 of 2017, the trial Court may also be directed to dispose of the injunction application within a short time. Further, the learned Counsel appearing for the petitioner submitted that till the interim application is disposed of, the impugned order, dated 16.04.2018, passed by the second respondent may be kept in abeyance.

5. The learned Special Government Pleader appearing for respondents 1 to 3 and the learned Counsel appearing for the fourth respondent have no objection to give such a direction and they further submitted that the respondents would file their counter affidavit before the trial Court, within a weeks' time.

6. In view of the submissions made by the learned Counsel appearing on either side, without going into the merits of the application, the learned Subordinate Judge, Ramanathapuram to dispose of the interim application in I.A.No.144 of 2017 in



O.S.No.39 of 2017, on merits and in accordance with law, within a period of ten days from the date of filing of the counter affidavit by the respondents. Till the interim application in I.A.No.144 of 2017 is disposed of, the impugned order, dated 16.04.2018, passed by the second respondent shall be kept in abeyance. The trial Court is also directed to dispose of the suit in O.S.No.39 of 2017, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

7. With these observations, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram.
2. The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.
3. The Revenue Inspector,
Mandapam,
Office of Tahsildar,
Ramanathapuram.

Copy to:

The Subordinate Judge, Ramanathapuram

- + 1 cc TO Mr.S.Visvalingam , Advocate in SR No. 70091
- + 1 cc TO Mr.V.Sitharanjandas , Advocate in SR No. 70089
- + 1 cc TO The Special Government Pleader in SR No. 70337

ssl/gk

AE/SKN RSK/SAR2/06.07.2018/3P/8C

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