



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

and

THE HONOURABLE Mr. JUSTICE N.SATHISH KUMAR

W.P. (MD) Nos. 22420 and 20104 of 2017

and

W.M.P. (MD) Nos. 19417, 18735, 5417 and 16391 of 2017

**W.P. (MD) No. 22420 of 2017:**

Muthukamatchi

... Petitioner

Vs.

1. The Sub Divisional Magistrate cum  
Sub Collector,  
Devakottai,  
Sivagangai District.

2. M. Kanniah

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to all for the records relating to the impugned order of the 1st respondent dated 01.12.2017 in Na.Ka.A1/6827/2017 quash the same and consequently, forbear the respondents from interfering with the peaceful possession and enjoyment of the property till the disposal of the suit in O.S.No.65 of 2017 on the file of the District Munsif, Devakottai, Sivagangai District.

For Petitioner : Mr. AR. L. Sundaresan, S.C. for  
Mr. J. Anand Kumar

For Respondent No.1 : Mr. K. Saravanan, G.A. for R1

For Respondent No.2 : Mr. Chandrasekaran for  
Mr. B. Muruganandam,

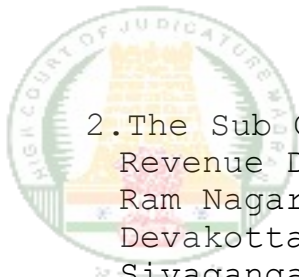
**W.P. (MD) No. 20104 of 2017:**

M. Kannaiah

... Petitioner

Vs.

1. The District Collector,  
Sivagangai.



2.The Sub Collector,  
Revenue Divisional Office,  
Ram Nagar,  
Devakottai,  
Sivagangai District.

3.The Tahsildar,  
Devakottai,  
Sivagangai District.

4.The Inspector of Police,  
Devakottai Taluk Police Station,  
Devakottai,  
Sivagangai District.

5.Muthukamatchi

6.KR.Boominathan

7.S.Ramalingam

8.S.Kumar @ Ganesan

9.S.Sekaran

10.K.Annadurai

... Respondents

**PRAYER:** The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment of barbed wire fencing made by the respondents 5 to 10 herein at the entry point of 300 meters gravel road in Naranamangalam Village, Devakottai Taluk, Sivagangai District, laid with the government fund under a public scheme of SGRY through Village Panchayat and consequently direct the respondents 1 to 4 herein to restore and maintain the same as common passage and public utility for ever.

For Petitioner : Mr.Chandrasekaran for  
Mr.B.Muruganandam

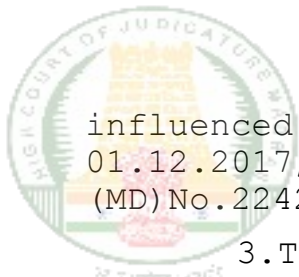
For Respondents : Mr.AR.L.Sundaresan, S.C.for  
Mr.J.Anand Kumar for R5 to R8  
Mr.K.Saravanan for R1 to R4

**COMMON ORDER**

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

What has been challenged in W.P.(MD)No.22420 of 2017 is only a proceedings dated 01.12.2017 under Section 145 Cr.P.C. The order impugned is very specific that such order is passed subject to the orders would be passed by the civil Court.

2.In such view of the matter, we are not inclined to interfere with it, except by observing that the findings rendered therein will not have any bearing before the civil Court. Therefore, while disposing of the Writ petition in W.P.(MD)No.22420 of 2017, we make it clear that the civil Court will have to dispose of the suit in O.S.No.65 of 2017 on its own merits without being



influenced any of the observation made in the order dated 01.12.2017, which is the subject matter of the Writ petition in W.P. (MD)No.22420 of 2017.

3.Taking into consideration of the pendency of the suit, the learned District Munsif, Devakottai is directed to dispose of the suit in O.S.No.65 of 2017 within a period of 6 months from the date of receipt of a copy of this order.

4.It is well open to the officials respondents to give effect to the order, which is obviously subject to the decision of the civil Court.

5.In view of the above said order passed in W.P.(MD)No.22420 of 2017, no further order is required in W.P.(MD)No.20104 of 2017 which shall also stand closed. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,Sivagangai.

2.The Sub Collector,  
Revenue Divisional Office,  
Ram Nagar, Devakottai,  
Sivagangai District.

3.The Tahsildar, Devakottai,  
Sivagangai District.

4.The Inspector of Police,  
Devakottai Taluk Police Station,  
Devakottai, Sivagangai District.

5.The Sub Divisional Magistrate cum  
Sub Collector, Devakottai,  
Sivagangai District.

**Copy to:** The District Munsif, Devakkottai.

+1CC to Mr.B.Muruganandam, Advocate, SR.No. 82730

+1CC to Mr.J.Anandkumar, Advocate, SR.No.82771

+1CC to the Special Government Pleader SR.No. 83094

W.P. (MD) Nos.22420 and 20104 of 2017  
06.09.2018