

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 10772 of 2018
and
W.M.P. No. 12721 of 2018

S.M. Kumar

... Petitioner

Vs.

1. The Tahsildar,
Gingee.

2. The Surveyor,
Sathyamangalam Firka,
Office of the Gingee Tahsildar,
Gingee.

3. The Village Administrative Officer,
Mel-Pappampatti, Gingee.

4. Mr.Vijayaraj

... Respondents

Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Third Respondent from in any way interfering with the peaceful possession and enjoyment of the property of the petitioner situated in Melpappambatti Village, Gingee Taluk, Sathyamangalam Sub District in Punjai survey No.265/5 and S.No.266/4 measuring to an extent of 3 Acres and 35 cents situated within the Sub Registration District of Tindivanam except by due process of law.

For Petitioner : Mr. P. Chandrasekar

For Respondents: Mr. M. Karthikeyan (For R1 to R3)
Additional Government Pleader

O R D E R

When the matter was came up for hearing before this Court on 02.07.2019, this Court has passed the following order:-

" This Writ Petition has been filed for a direction to restrain the Third Respondent from in any way interfering with the peaceful possession and enjoyment

of the property of the Petitioner situated in Melpapambatti Village, Gingee Taluk, Sathyamangalam Sub District in Punjai Survey No.265/5 and 266/4 measuring to an extent of 3 Acres and 35 cents situated within the Sub Registration District of Tindivanam except by due process of law.

2. The Learned Counsel for the Petitioner submits that he had already filed a suit in O.S. No. 156 of 2015 on the file of the District Munsif Court, Gingee, in which the order of permanent injunction has been granted not to disturb the peaceful enjoyment and possession of the property owned by the Petitioner except by due process of law against the Second and Third Respondents.

3. However, the complaint of the Petitioner is that despite the said judgment and decree, the Fourth Respondent, who is holding the office of the Third Respondent, is disturbing the possession of the Petitioner.

4. Learned Counsel appearing for the Respondents seeks time to get instructions in this regard.

Post the matter on 05.07.2019."

2. The Third Respondent has filed Counter Affidavit dated 05.07.2019 stating that he will not interfere with the peaceful possession and enjoyment of the petitioner in view of the decree passed in O.S. No. 156 of 2015 dated 30.03.2016 by the Principal District Munsif Court, Gingee.

3. The Writ Petition stands disposed recording the aforesaid subsequent developments. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

may

To

1.The Tahsildar,
Gingee.

2.The Surveyor,
Sathyamangalam Firka,
Office of the Gingee Tahsildar,
Gingee.

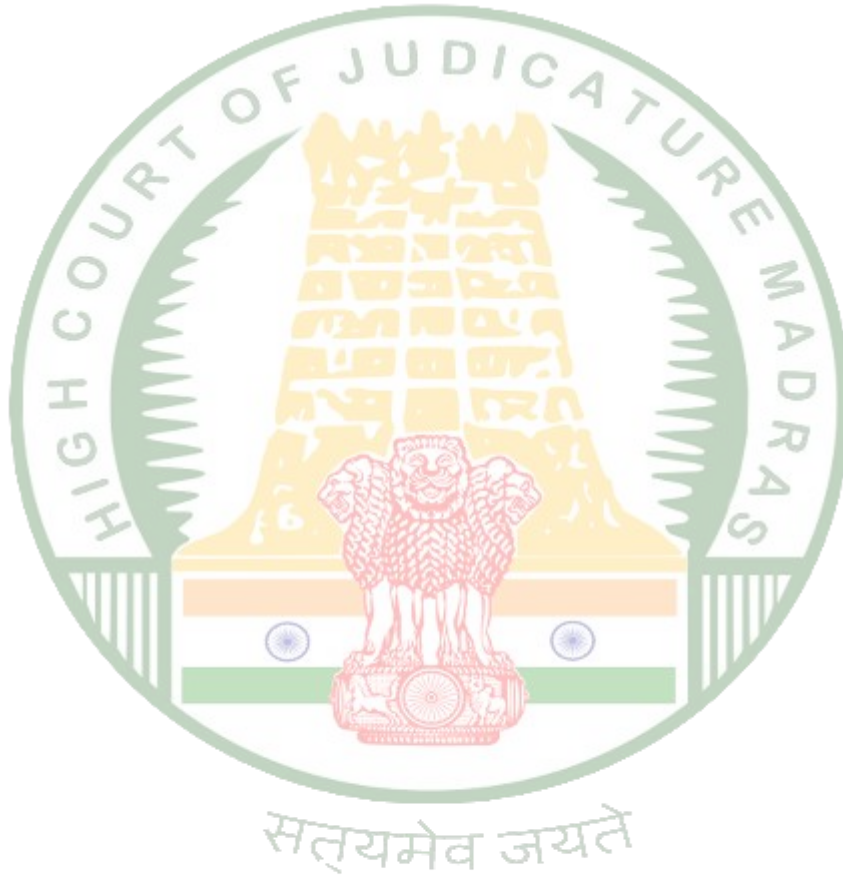
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3.The Village Administrative Officer,
Mel-Pappampatti, Gingee.

+1cc to Mr. P.Chandrasekar, Advocate, S.R.No. 57290

W.P. No. 10772 of 2018

NR (CO)
GN (19/08/2019)



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