



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

W.P. (MD) No. 5107 of 2019

and

W.M.P. (MD) No. 4071 of 2019

K. Ramlan

... Petitioner

Vs

1. The District Collector,
Collectorate Office,
Ramanathapuram District.

2. Tahsildar,
Keelakarai Taluk,
Keelakarai,
Ramanathapuram.

3. C. Ayubkhan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to forbear from taking any action of demolition of the portion of the house of the petitioner in S.No.237/30 in the village of Periyapattinam, Keelakarai Taluk till the disposal of the appeal filed by the petitioner before the Revenue Divisional Officer, Ramanathapuram to grant patta in favour of the petitioner as well as the suit filed by the petitioner in O.S.No.19 of 2019 on the file of the District Munsif Court, Ramanathapuram.

For Petitioner : Mr. V. Ramakrishnan
For R1 and R2 : Mr. M. Karuppasamy
Government Advocate

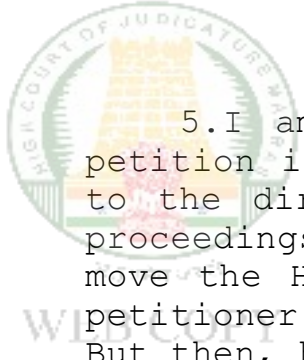
ORDER

Heard the learned counsel on either side.

2. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner states that the respondents 1 and 2 are attempting to demolish the petitioner's house and he wants this Court to restrain the respondents from doing so.

4. It is seen from the materials enclosed in the typed set of papers that the authorities are acting only pursuant to a direction given by the Hon'ble Division Bench in W.P. (MD) No. 4913 of 2018 on 16.11.2018. The Hon'ble Division Bench had directed the removal of the encroachment in question within a period of six weeks.



5.I am of the view that the very institution of this writ petition is misconceived. If the authorities are acting pursuant to the direction given by the Hon'ble Division Bench in a writ proceedings, the only remedy open to the writ petitioner is to move the Hon'ble Division Bench by way of review. No doubt the petitioner herein is not a party to the said writ proceedings. But then, he can file an application for review.

6.The learned counsel for the petitioner states that the property in question stands in the name of the petitioner and that it does not belong to his wife Zakeera Beevi. The learned counsel for the petitioner further states that he would move the Hon'ble Division Bench within a period of seven days from today.

7.Taking note of these aspects, this Court restrains the respondents 1 and 2 from demolishing the petition mentioned property for a period of seven days from today (05.03.2019). It is for the writ petitioner to move the Hon'ble Division Bench and get an appropriate relief.

8.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate Office,
Ramanathapuram District.

2.Tahsildar,
Keelakarai Taluk,
Keelakarai,
Ramanathapuram.

+1 CC to M/s.V.RAMAKRISHNAN, Advocate (SR-51608[F] dated 05/03/2019)

+1 CC to M/s.SPL GP (SR-51971[F] dated 06/03/2019)

PNN

W.P. (MD) No.5107 of 2019

05.03.2019