



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15287 of 2019

and

W.M.P. (MD) No.11836 of 2019

V.Shanmuga Priya

... Petitioner

-Vs-

1.The Assistant Commissioner,
Hindu Religious and Endowment
Department,
Dindigul.

2.The Executive Officer,
Arulmigu Vigneswarar Vagaira
Thirukkivil,
Old Aayakkudi,
Palani T.K.,
Dindigul District.

3.The Inspector of Police,
Palani Town Police Station,
Dharapuram Road,
Palani,
Dindigul District.

... Respondents

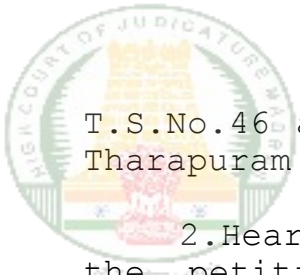
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondents herein fro interfering with the peaceful possession and enjoyment of the petitioner's land comprised in T.S.No.46 and part and T.S.No.47/4 in Ward No.04, Block No.03, New Tharapuram Road, Palani Town, Dindigul District.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.M.Rajarajan, G.A., for RR1 & 3
Mr.M.Muthu Geethaiyan, for R2

ORDER

<https://hcservices.echips.gov.in/hcservices/> in this writ petition is for a Writ of Mandamus, forbearing the respondents herein fro interfering with the peaceful possession and enjoyment of the petitioner's land comprised in



T.S.No.46 and part and T.S.No.47/4 in Ward No.04, Block No.03, New Tharapuram Road, Palani Town, Dindigul District.

2.Heard Mr.M.Thirunavukkarasu, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents 1 and 3 and Mr.M.Muthu Geethaiyan, learned counsel appearing for the 2nd respondent.

3.I have gone through the prayer sought for herein and the averments contained in the affidavit.

4.The learned counsel appearing for the petitioner would submit that the petitioner is having right over the property in question in T.S.No.46 and part and T.S.No.47/4 in Ward No.04, Block No.03, New Tharapuram Road, Palani Town, Dindigul District. But, the second respondent claimed title or right over the said property. When that being the position, it is purely a civil dispute, which very well be decided by a competent Civil Court and therefore, the issue raised in this writ petition cannot be decided by this Court in a writ jurisdiction.

5.In that view of the matter, this writ petition cannot be entertained and accordingly, it is liable to be dismissed. However, it is open to the petitioner to approach the competent Civil Court to seek proper remedy.

6.Since the petitioner expressing some imminent danger of interference of the alleged possession of the petitioner at the hands of the 2nd respondent, two weeks time is granted for the petitioner to approach the Civil Court and seek remedy, including interim orders after establishing the case of the petitioner against the 2nd respondent. Within the said two weeks period status quo as on today shall be maintained. It is made clear that within the two weeks, if no suit is filed, the interim direction of status quo for two weeks shall stand automatically vacated.

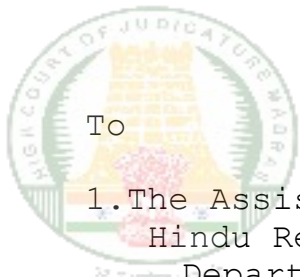
7.With this observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Assistant Commissioner,
Hindu Religious and Endowment
Department,
Dindigul.

2.The Inspector of Police,
Palani Town Police Station,
Dharapuram Road,
Palani,
Dindigul District.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-73878[F] dated
08/07/2019)

+1 CC to M/s.M.O.THEVAN KUMAR, Advocate (SR-73872[F] dated
08/07/2019)

+1 CC to M/s.SPL GP (SR-74221[F] dated 09/07/2019)

Order made in
W.P. (MD) No.15287 of 2019
08.07.2019

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KK/SAR/09.07.2019/3P-6C