

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.8021 of 2012

and

M.P.No.1 of 2012

Deivarajan

... Petitioner

Versus

The Madhakalir Manickam Village Panchayat,
Represented by its President,
Gunamangalam Post,
Kattumannar Koil Taluk,
Cuddalore District.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondent his men, agents, subordinates or other person acting through him from interfering in any manner with the peaceful possession and enjoyment property in Survey No. 11/14 measuring about 34 cents located at Madhakalir Manickam Village, Kattumannar Koil Taluk, Cuddalore District, except under due process of law.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.R.S.Selvam,
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of writ of Mandamus forbearing the respondent his men, agents, subordinates or other person acting through him from interfering in any manner with the peaceful possession and enjoyment of the property in Survey No. 11/14 measuring about 34 cents located at Madhakalir Manickam Village, Kattumannar Koil Taluk, Cuddalore District, except under due process of law.

2. The case of the petitioner is that the property was purchased by his father Perumal from one Thangavel Padayachi and Ramamoorthy vide sale deed dated 21.09.1962. It is stated that the patta, chitta, adangal and all other revenue records relating to the said property is standing in the name of his

father. The petitioner's family have been occupying the suit property and they have been in enjoyment without any interruption. The petitioner's father died in the year 2008, after which the respondent attempted to interfere with the peaceful possession and occupation of the said property. It is stated that, even as per the revenue records, the suit property is a private property belonging to the petitioner's family. Hence an Injunction is sought for against the respondent by way of Mandamus.

3. The learned Government Advocate, appearing for the respondent, produced a communication in Na.Ka.No.E1/053/2020 dated 24.01.2020 from the Revenue Tahsildar, Sreemushnam. It states that in S.No.11/4, 0.14.0 hectares is a burial ground and not put to use. Be that as it may, even if it is the contention of the revenue authorities, it is for the petitioner to move the appropriate Civil Court for getting his title declared and the relief for consequential injunction and he cannot obtain the same under Article 226 of the Constitution of India.

4. The learned Government Advocate also states that, the wife of the petitioner has become the President of the Madhakalir Manickam Village Panchayat. Therefore, it would be appropriate to direct the parties to approach Civil Court to workout their remedies in the manner known to law.

5. In view of the above, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

The President,
Madhakalir Manickam Village Panchayat,
Gunamangalam Post,
Kattumannar Koil Taluk,
Cuddalore District.

+lcc to Mr.R.S.Selvam, Advocate, Sr.No.24150

+lcc to Mr.V.Raghavachari, Advocate, Sr.No.23928



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