

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.14981 of 2020 and  
WMP No.18637 of 2020

Mrs. P. Mala

... Petitioner

Vs.

1. The District Collector,  
Collector Office,  
Chengalpattu District.
2. The Assistant Director of Town Panchayat,  
Collectorate, Chengalpattu.
3. The Executive Officer,  
Perukalathur Town Panchayat,  
Chennai 600 063.
4. The President,  
Perunkalathur Town Panchayat,  
Chennai 600 063.
5. The District Revenue Officer,  
Tambaram Taluk,  
Chennai 600 045.

6. The Tahsildar,  
Tambaram Taluk,  
Chennai 600 045.

7. The Superintendent of Police,  
Anna Nagar,  
Chengalpattu 603 001.

8. The Assistant Commissioner of Police,  
New No.108, Old No.104, 1<sup>st</sup> Floor,  
Velacheri Main Road, Selaiyur,  
Chennai 600 073.

9. The Inspector of Police,  
S-14, Peerkanaranai Police Station,  
Peerkanaranai, Chennai 600 063.

.... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly a Writ in the name of Writ of Mandamus to direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the land comprised in survey No.255/2 measuring to an extent of 30 cents situated at Old Perunkalathur Village, Tambaram Taluk, Chengalpattu District except under due process of law. सत्यमेव जयते

For Petitioner : Mr. R.Murali

For Respondents : Mr. M.Manigopi, Government Advocate  
(R1 to R9)

ORDER  
(The case has been heard through video conference)

Mr.M.Manigopi, learned Government Advocate takes notice for the respondents.

2. Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.M.Manigopi, learned Government Advocate appearing for the respondents.

3. It is noticed that Mr.K.Panneerselvam, husband of the present writ petitioner had obtained an interim injunction from this court vide order dated 26.11.2019 in W.P.No.18809 of 2009. The operative portion of the afore said order reads as under.

*4. Mr. Thambidurai, learned counsel appearing for the 1<sup>st</sup> and 2<sup>nd</sup> and 5<sup>th</sup> respondents and Mr. Arumugam, learned counsel appearing for the 3<sup>rd</sup> and 4<sup>th</sup> respondents concede that liberty may be granted to the petitioner to file an appropriate suit before the competent Civil Court in accordance with law.*

*5. In view of the same, the petitioner can approach the Civil Court, within a period of four weeks from the date of receipt of a copy of this order. Interim order already granted by this court on 24.09.2009 is extended only for four weeks from the date of receipt of a copy of this order.*

4. It appears that pursuant to the above order passed by this court in W.P.No.18809 of 2009 on 26.11.2019, the petitioner and her husband have also filed a suit in O.S.No.44 of 2020 before the District Munsif Court at Tambaram and in that suit, they have also filed a petition in I.A.No.197 of 2020 for interim injunction.

5. The learned counsel appearing for the petitioner submit that due to pandemic, the learned District Munsif has not taken up the above suit and the petition till date.

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6. It is noticed that the prayer in the writ petition overlaps with the relief sought for in the above suit. Therefore, this writ petition is not stands maintainable. At the same time, it is to be noted that on 26.03.2020, a Division Bench of this court had passed a Suo Motu order in W.P.No.7413 of 2020 on 26.03.2020, wherein, interim orders subsisting as on 20.03.2020 were to be extended up to 30.04.2020. Though it has been extended further, the interim orders passed by this court in W.P.No.18809 of 2009 dated 26.11.2019 remains untouched by the suo moto order passed by a Division Bench of this Court in W.P.No.7413 of 2020 dated 26.03.2020, nevertheless, I am inclined to grant a partial relief to the petitioner for a period of two weeks, from the date of receipt of the copy of this order.

7. Accordingly, the petitioner is directed to take appropriate steps either before the concerned District Munsif Court by pressing the relief in I.A.No.197 of 2020 in O.S.No.44 of 2020 or in the alternative to work out her remedy in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observation, this writ petition stands disposed of.  
Consequently, connected writ miscellaneous petition is closed. No costs.

23.10.2020

Index: Yes / No  
Internet: Yes / No  
Speaking / Non-Speaking order  
mst/uma

To

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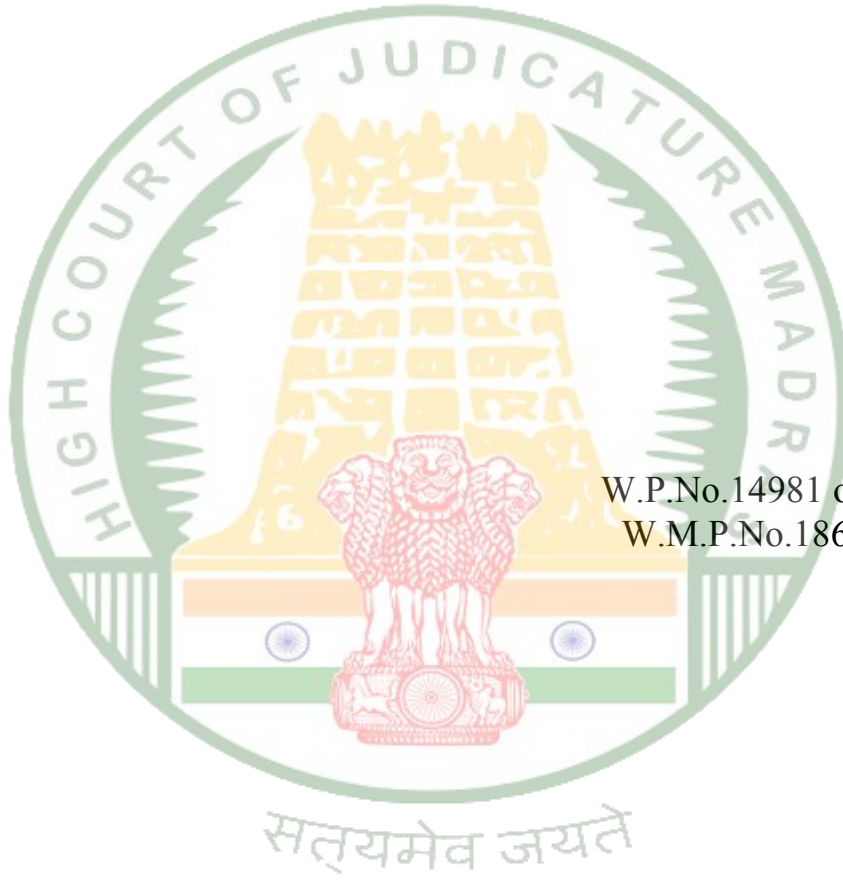


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**C.SARAVANAN,J.**

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