

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.2189 of 2018

1.Palaniammal
2.Dhanabhagam
3.Shanmugam
4.Sumathi
5.Thangamuthu
6.Ranganathan
7.Balakrishnan

... Appellants

Vs

1.M.Sivakumar
2.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
3.The Superintendent of Police,
Tiruppur District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 08.01.2016 passed in W.P.No.546 of 2016.

Prayer in WP.No.546/2016: Petition filed under Article 226 of the constitution of India to issue a writ of mandamus directing the first and second respondents to render police protection to petitioner to enter the property of petitioner located in Moratupalayam Village R.S. No.321/1 (S.F.No.295) and lay fencing for the property and issue appropriate directions in this regard.

For Appellants : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.G.Shanmugam for R1
Mr.V.Kadhirvelu,
Spl. Govt. Pleader for R2 & R3

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 08.01.2016 passed in W.P.No.546 of 2016, whereby the learned single Judge disposed of the writ petition by directing the official respondents therein to consider the representation of the first respondent/writ petitioner and pass orders, after affording an opportunity of hearing to the appellants herein.

2.The appellants and the contesting respondent are parties in O.S.No.144 of 1998 on the file of the Sub Court, Erode. After the passing of the preliminary decree, a final decree was passed, against which, an appeal is pending in A.S.No.58 of 2017 on the file of the I Additional District Court, Tiruppur.

3.Learned single Judge disposed of the writ petition in the absence of the appellants and without taking note of the pendency of the civil suit.

4.In such view of the matter, the writ appeal was disposed of while setting aside the order of the learned single Judge, we direct the I Additional District Court, Tiruppur, to dispose of A.S.No.58 of 2017 within a period of four months from the date of receipt of a copy of this judgment. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

2.The Superintendent of Police,
Tiruppur District.

3.The I Additional District Judge,
Tiruppur.

+1cc to Mr.Kaithamalai Kumaran, Advocate, S.R.No.25381

W.A.No.2189 of 2018

BR(CO)
CB(06/07/2021)