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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12906 of 2018
and WMP.No.15161 of 2018

Sridharan

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Superintendent of Police,
Dharmapuri District.
3. The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

4. Megavannan

... Respondents

Prayer:

This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 23.04.2018 and enquiry dated 03.05.2018 by considering the documents of the petitioner and remove the land grabber the 4th respondent herein from the land in survey No.441/1, 450/1 measuring about 4 Acres 85 cents situated at Pappinayakanahalli, Sogathur Post, Dharmapuri Taluk and District.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Gopinath R1 to R3
Government Advocate (Crl. side)

Mr.P.Valliyappan R4

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to remove the land grabber viz., 4th respondent from the petitioner's land in S.No.441/1, 450/1 situated at



Pappinayakkanahalli, Sogathur Post, Dharmapuri Taluk & District.

2. The case of the petitioner is that the petitioner is a physically challenged person and his father late Krishnan executed a Will and left the property in the above said land in favour of the petitioner, and the petitioner is the only legal heir of the said late Krishnan. It is the further case of the petitioner that one Gnanammal created a forged document in her favour and grabbed the said property, for which, the petitioner has filed a civil suit in S.C.No.182 of 2014, dated 15.04.2015, before the file of the Sub Court, Dharmapuri and the suit is decreed in his favour. Even then, the 4th respondent viz., Megavannan has executed a forged sale deed in his favour from one Gnanammal and unlawfully created a patta in his favour. The petitioner sent a representation dated 23.04.2018 to the second and third respondents. Till date, no order was passed on the representation. Hence, the petitioner has filed the present writ petition before this Court.

3. The grievance of the petitioner is that the petitioner has filed a civil suit in S.C.No.182 of 2014 and the same was decreed in his favour. For the very same issue, the 4th respondent has filed a suit in O.S.No.43 of 2018 on the file District Munsif Court, Dharmapuri. As directed by the first respondent, the Revenue Divisional Officer conducted an enquiry and passed prohibitory order against the petitioner as well as 4th the respondent. Hence, the learned counsel prays this Court to allow this petition.

4. Heard learned counsel for the petitioner as well as the Government Advocate (Crl side) and perused the materials available on record.

5. It is seen from records that the petitioner has filed a civil suit in S.C.No.182 of 2014 before the file of the Sub Court, Dharmapuri and the suit is decreed in his favour. The 4th respondent has also filed a suit in O.S.No. 80 of 2018, for declaration and permanent injunction before the Principal District Court, Dharmapuri, and an order of injunction was granted. However, the petitioner has again filed a suit in OS.No.43 of 2018.

6. Taking into consideration the fact that the nature of the dispute involved in this case i.e. property dispute, it is for the parties to redress the same before the appropriate Civil Court and the official respondents will have no role to play in a case of this nature.

7. This Writ Petition is disposed of and liberty is granted to the petitioner to work out his remedy before the competent



civil forum. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Superintendent of Police,
Dhamapuri District.
3. The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri..
4. The Public Prosecutor,
High Court of Madras.

+1cc to P.Valliyappan, Advocate, S.R.No.35907

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and WMP.No.15161 of 2018

PMK(CO)
CT/06/09/2021