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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21465 of 2021

P.Muniammal

...Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District.
2. The Tahsildar,
Kilpennathur Tahsildar Office,
Kilpennathur Taluk,
Thiruvannamalai District.
3. The Revenue Inspector,
Somasipadi Village,
Kilpennathur Taluk,
Thiruvannamalai District.
4. The Village Administrative Officer,
Kadambai Village,
Somasipadi Village,
Kilpennathur Taluk,
Thiruvannamalai District.

5. K.Allen

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 to 4 to consider the petitioner's representation, dated 12.07.2021.

For Petitioner : Mr.P.Jayachandran

For RR 1 to 4 : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing respondents 1 to 4 to consider the petitioner's representation dated 12.07.2021.

2. The case of the petitioner is that she is the absolute owner of the property comprised in Old Survey No.61/9, R.S.No.76/3, Kadambai Village, Kilpennathur Taluk, Thiruvannamalai District measuring to an extent of 1.08 acres of land was assigned by the Tahsildar, Thiruvannamalai District vide its order dated 02.07.1986 in T.K.87/1985 and she is in possession of the said property for more than 35 years and constructed a house. While so, the 5th respondent who is also resident of the same village and obtained patta in his favour in respect of his aforesaid property by playing fraud on the respondents and he disturbed the petitioner possession. Therefore, the petitioner filed a suit in O.S.No.919 of 1992 before the Additional District Munsif Court-II, Thiruvannamalai District against the fifth respondent and the same was decreed as prayed for in faovur of the petitioner on 24.09.2001. Subsequently, the 5th respondent also filed a suit in O.S.No.933 of 1993 before the Additional District Munsif Court-II, Thiruvannamalai District against the petitioner and the same was dismissed. Aggrieved by the same, the 5th respondent preferred an appeal against in A.S.Nos.60 and 61 of 2004 before the Additional Sub-Court, Thiruvannamalai District and the same were allowed on 29.04.2011.

3. According to the petitioner, she has preferred the second appeal before this Court in S.A.No.1218 and 1219 of 2012 dated 14.03.2018 against the judgment and decree passed in A.S.Nos.60 and 61 of 2004 and the same is pending for further consideration. In the meanwhile, the 5th respondent herein with the help of the local police tried to evict the petitioner's property. Therefore, the petitioner filed a writ petition in W.P.No.8965 of 2021 and the same was disposed of on 20.04.2021 by directing the 3rd respondent police not to interfere with the civil disputes pending between the petitioner and the 4th respondent therein. But, the 5th respondent colluded with the respondents 1 to 4 disturbing the peaceful possession of the petitioner's property by threatening to evict the aforesaid property during the pendency of the second appeal. Therefore, the petitioner made a representation dated 12.07.2021 to the respondents 1 to 4 not to interfere in the civil dispute during the pendency of the aforesaid second appeals, till date, there is no response from the respondents. Hence, the petitioner has



4. The Village Administrative Officer,
Kadambai Village,
Somasipadi Village,
Kilpennathur Taluk,
Thiruvannamalai District.

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+1CC to Mr.P.Jayachandran, Advocate, Sr.No.52234
+1CC to Mr.Government Pleader, Sr.No.52763

W.P.No.21465 of 2021

NR (CO)
K.RK. (02.11.2021)