

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.20361 of 2020
and WMP. No.25156 of 2020

1.Rajathi
2.Thanikachalam ... Petitioners

Vs.

- 1.The Revenue Divisional Officer
Sankari
Salem District.
- 2.The Tahsildar
Sankari
Salem District.
- 3.The Inspector of Police
Thevoor Police Station
Sankari Taluk
Salem District.
- 4.The Village Administrative Officer
Mylampatti Village
Sankari Taluk
Salem District.

- 5.Aarumani
6.K.Ganesan
7.G.Ayyasamy
8.A.Sundararajan
9.S.Jayaprasad
10.Malaisamy
11.Santhalingam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the entire records relating to impugned proceedings in Moo.Mu.693/2020(b) dated 14.09.2020 passed by the first respondent and quash the same.

For Petitioners: Mr.R.Ezhilarasan

For Respondents: Mr.M.Manigopi
Government Advocate [R1, R2 & R4]

ORDER

There is a dispute between the petitioner and the private respondents over existence of certain pathway through the property of the petitioner. This is now being litigated in O.S.No.26 of 2020, which is now pending on the file of the District Munsif Court, Sankari.

2. Heard Mr.R.Ezhilarasan, learned counsel for the petitioners and Mr.M.Manigopi, learned Government Advocate for respondents 1,2 and 4.

3. The learned counsel for the petitioners submitted that when the matter is being litigated, the Revenue Divisional Officer, Salem has rendered a finding as if there exists a pathway, based on which, the private respondents are now trying to interfere with the peaceful possession of the petitioner.

4. Without prejudice to the present petition, since the matter involves an element of decision on fact, the petitioners are now required to move the civil Court and apply for a Commission in O.S.No.26 of 2020. Inasmuch as civil dispute has arisen, it is appropriate the petitioners move the civil Court as has already been indicated. The civil Court shall decide the issue independent of, and uninfluenced by the proceedings of the Revenue Divisional Officer, Salem, dated 14.09.2020.

5. There shall be a stay of the proceedings of the Revenue Divisional Officer, Salem only for a period of three weeks from today. The petitioner is also free to move the Appellate Revenue Authority if he has any grievance, against the order of the first respondent. The stay order herein will not have any efficacy after the period of three weeks and it is done only to enable the petitioners to approach the civil Court where the civil suit is pending, and also the Revenue Appellate Authority, if he desirous of.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Revenue Divisional Officer
Sankari
Salem District.

2.The Tahsildar
Sankari
Salem District.

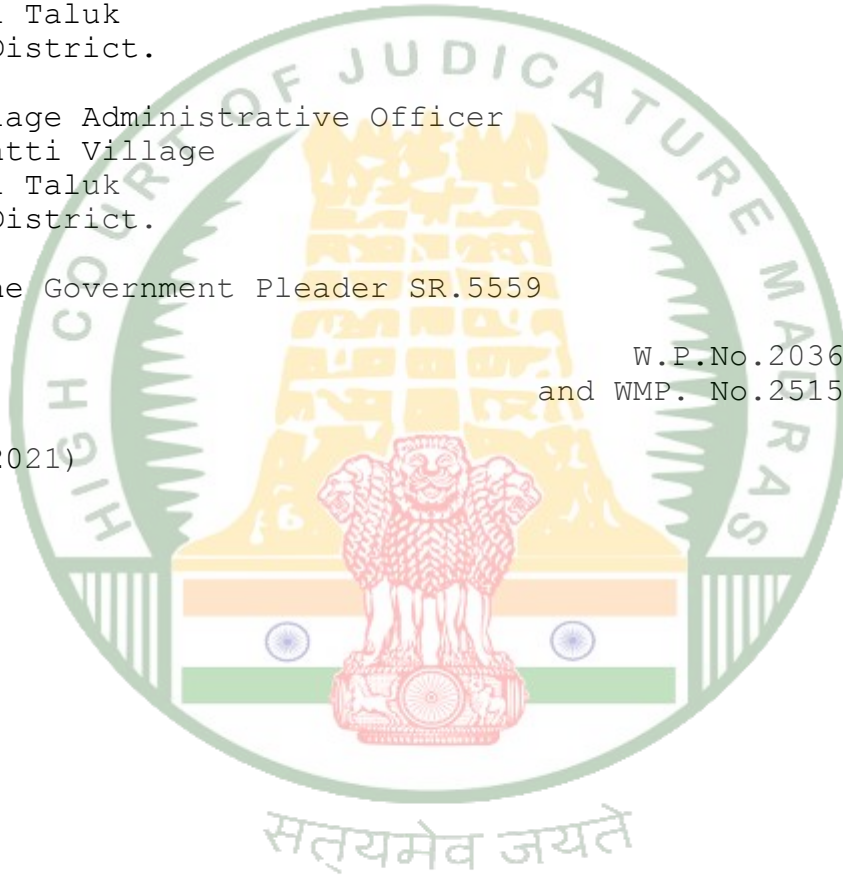
3.The Inspector of Police
Thevoor Police Station
Sankari Taluk
Salem District.

4.The Village Administrative Officer
Mylampatti Village
Sankari Taluk
Salem District.

+1cc to the Government Pleader SR.5559

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MG(CO)
CB(04/02/2021)



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