



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24184 of 2021

S.Murugan

.. Petitioner

Vs

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Block Development Officer,
Pudhupalayam Union,
Thiruvannamalai District.
3. The Tahsildar,
Chengam Taluk Office,
Chengam, Thiruvannamalai District.
4. The President,
Panaiolaipadi Village Panchayat,
Thiruvannamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd Respondent not to disturb the peaceful possession and enjoyment of the petitioner in S.No.316/1 and 317/1, Panaiolaipadi Village, Chengam Taluk, Thiruvannamalai District, except by due process of law.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents 1 & 3 : Mrs.Akila Rajendran
Government Advocate

For Respondents 2 & 4 : Mr.C.Jayaprakash
Government Advocate



ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 and 2 not to disturb the peaceful possession and enjoyment of the petitioner in S.No.316/1 and 317/1, Panaiolaipadi Village, Chengam Taluk, Thiruvannamalai District, except by due process of law.

2. According to the petitioner, the landed property to the extent of 0.23 acres at S.F.Nos.316/1, 317/1 at Panaiolaipadi Village, Chengam Taluk, Thiruvannamalai District originally belonged to the father of the petitioner, subsequently, it has been bequeathed in favour of the petitioner by way of a sale deed thereby the petitioner claimed that he has become the absolute owner of the property in question.

3. According to the petitioner, the 4th respondent i.e., the private person, who is holding the post of the President i.e., 4th respondent post is having adjacent land to the said subject land, where, according to the petitioner, the 4th respondent is undertaking some fishing activities. Therefore, in order to have his fishing net to be dried up, the land in question belongs to the petitioner is required for the 4th respondent, therefore, he is trying to encroach upon the property, that probably the dispute between the petitioner and the 4th respondent, only in this context, he has moved the present writ petition with the aforesaid prayer.

4. After having gone through the case projected by the petitioner in the affidavit filed in this writ petition and after hearing the learned counsel for the petitioner as well as the learned Government Advocate appearing for official respondents and the learned Government Advocate appearing for respondents 2 and 4, this Court feels that, since it is a dispute inter se between the petitioner and the 4th respondent in his personal capacity as who is the owner of which property, what right each of the parties is having in respect of the respective lands, that cannot be resolved or decided by this Court in the writ petition. Hence, this Court feels that, the petitioner can very well be relegated to approach the competent Civil Court to file a suit for getting appropriate relief against the 4th respondent in his personal capacity as one of the defendant. In that view of the matter, this writ petition is disposed of with the following orders:

(i) The prayer sought for in this writ petition for the reasons stated above, cannot be granted and accordingly, the writ petition is liable to be dismissed, hence, it is dismissed.



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(ii) However, it is open to the petitioner to approach the Civil Court to file appropriate civil suit seeking for the relief as he desires in accordance with law and if such a suit is filed within a period of four weeks from the date of receipt of a copy of this order, till such time, i.e., till the petitioner files a civil suit, as indicated above, the status quo in respect of the property in question shall be maintained by the parties concerned.

5. With this observation, the Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Block Development Officer,
Pudhupalayam Union,
Thiruvannamalai District.
3. The Tahsildar,
Chengam Taluk Office,
Chengam, Thiruvannamalai District.
4. The President,
Panaiolaipadi Village Panchayat,
Thiruvannamalai District.
5. The Government Advocate,
High Court, Madras.

+1CC to Mr.C.Jayaprakash, Advocate, Sr.No.58250

+1CC to Mr.Government Pleader, Sr.No.58541

W.P.No.24184 of 2021

NMI (CO)

K.RK. (24.11.2021)