



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.7756 of 2021
and W.M.P. (MD)No.5907 of 2021

K.Chandrakumar

.. Petitioner

Vs.

- 1.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tiruchendur.
- 2.The Tahsildar,
Taluk Office,
Eral, Tuticorin District.
- 3.The Sub-Inspector of Police,
Sawyerpuram, Tuticorin District.
- 4.S.Karthick

5.S.P.Sivasamy Nadar

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Tahsildhar, Eral Taluk, 2nd respondent to conclude his proceedings dated 23.11.2020 for constituting a peace committee meeting in respect of the disputed property situate in Survey No.508/19 of an extent of 2.68 cents situate at Vinayagar Koil Street, Sebataiyapuram Village, Eral Taluk, Tuticorin District.

For Petitioner : Mr.K.Govindarajan for
Mr.S.Siva Thilakar

For Respondents : Mr.B.Bhagawathi,
Government Advocate for R1 to R3.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to call for a peace committee meeting, pursuant to the proceedings dated 23.11.2020.

2. Heard Mr.K.Govindarajn, learned counsel for Mr.S.Siva Thilakar, learned counsel for the petitioner and Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents 1 to 3.



3. It is seen from the records that there is already a civil dispute between the petitioner and the respondents 4 and 5 and the petitioner along with three others filed a suit in O.S.No.166 of 2014, before the District Munsif Court, Srivaikundam and an order of interim injunction was also passed in their favour in I.A.No.1533 of 2014, by order dated 31.08.2015. Aggrieved by the same, the respondents 4 and 5 herein filed a C.M.A.No.11 of 2017, before the Sub-Court, Tiruchendur and this appeal was disposed of by directing the trial Court to complete the proceedings within a period of six months.

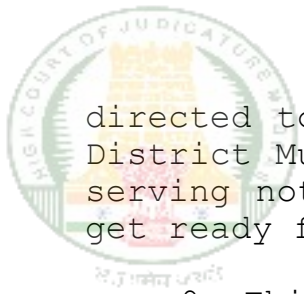
4. It is also seen from the records that the suit filed by the petitioner and others was dismissed for default on 17.01.2018 and a restoration petition along with a delay condonation petition are pending in I.A.Nos.1 and 2 of 2020 before the concerned Court.

5. The grievance of the petitioner is that in the meantime, hasty steps were taken by the respondents 4 and 5 to put up a construction and there was a law and order problem, since it involved two communities. Hence, complaint was given by both sides and the second respondent, by proceedings dated 23.11.2020, called both the parties for a peace committee meeting. The further grievance of the petitioner is that there was absolutely no progress thereafter and emboldened by the same, the respondents 4 and 5 continued to put up illegal construction. Left with no other option, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. The learned Government Advocate appearing on behalf of the Official respondents submitted that the complaint given by either side was taken on file in C.S.R.No.109 of 2020 and on an enquiry, the complaint was closed on 01.07.2020 and the parties were advised to approach the civil Court to redress their grievances. The learned Government Advocate further submitted that the matter involves a civil dispute between the parties and therefore, neither the revenue nor the police will interfere in this matter.

7. In the considered view of this Court, if the District Munsif Court, Srivaikundam, decides on the application filed by the petitioner for restoration of the suit, the entire matter will come within the control of the civil Court and thereafter, the parties can agitate their rights before the civil Court. For one reason or the other, the case is getting adjourned from September 2020 onwards till date. It is informed that the applications stand posted for hearing on 29.04.2021 and the pleadings have also been completed.

8. In view of the above, there shall be a direction to the District Munsif Court, Srivaikundam to dispose of the applications in I.A.Nos.1 and 2 of 2020, on 29.04.2021, after affording an opportunity to both the parties. The petitioner is



directed to file a memo along with a copy of this order before the District Munsif Court, Srivaikundam, on or before 29.04.2021, after serving notice on the other side. This will enable the parties to get ready for the hearing on 29.04.2021.

9. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The District Munsif Court, Srivaikundam
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office, Tiruchendur.
- 3.The Tahsildar, Taluk Office,
Eral, Tuticorin District.
- 4.The Sub-Inspector of Police,
Sawyerpuram,
Tuticorin District.

COPY TO

The Principal District Judge, Tuticorin.

+1 CC to M/s.S.SIVA THILAGAR, Advocate (SR-15921[F] dated 16/04/2021)

+1 CC to M/s.SPL GP (SR-16051[F] dated 16/04/2021)

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ES (CO)

TR(17.04.2021) 3P 8C

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