



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.12484 of 2022

and

WMP.No.11942, 11945 & 11947 of 2022

Thangavel

.. Petitioner

Vs.

- 1 The District Collector,
Dharmapuri District, Dharmapuri.
- 2 The Revenue Divisional Officer,
Dharmapuri district, Harur.
- 3 The Sub-Registrar,
Office of Registration, Kadathur,
Dharmapuri District.
- 4 The Tahsildar,
Pappireddipatti Taluk, Dharmapuri District.
- 5 The Inspector of police,
Morappur Police station, Dharmapuri District.
- 6 Vadivel
- 7 Kamaraj
- 8 Nataraj
- 9 Selvam

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari call for the records relating to the impugned order dated 18.04.2022 in proceedings Moo.Mu.No. 5087/ 2021/ A3 passed by the 2nd respondent and to quash the same.

For Petitioner : Mr.C.Prabakaran
For Respondent : M/s.Akila Rajendran, GA



O R D E R

This petition has been filed to quash the order dated 18.04.2022 in proceedings Moo.Mu.No. 5087/ 2021/ A3 passed by the 2nd respondent.

2. The case of the petitioner is that the property comprised in S.No.31/1 to an extent of 0.61.0 Hectares in patta No.81 situated at Singhirihalli Village, Ranimookanoor Post, Pappireddipatti Taluk, Dharmapuri District originally belongs to one Daekkan. The said property was purchased by the petitioner's mother during the year 1981 and since then the petitioner and enjoyment of the property and doing agriculture for the past 40 years. In the year 2020, the private respondents have tried to disturb the petitioner's possession. Hence, the petitioner filed a suit in O.S.No.53/2020 before the District Munsif Court, Pappireddipatti against one Mani and the respondents 6 & 7 seeking for the relief of permanent injunction and not to disturb the possession and enjoyment of the property. Pending suit, the second respondent have passed the order dated 18.04.2022 directing the private parties to take the possession of the property. Taking advantage of the impugned order, the private respondents prevented the petitioners to enter into the properties. A dispute arose between the parties in this regard. Without having any other option, the petitioner has filed the present writ petition to quash the order passed by the second respondent.

3. The learned counsel for the petitioner submitted that the petitioner has already filed a suit in O.S.No.53 of 2020 before the trial Court . The trial Court has not passed any restrained order. Taking advantage of which, the private respondents made a complaint before the second respondent the second respondent and the 5th respondent police. The respondents have failed to appreciate the documents, restrained order was passed against the petitioner. Therefore, law and order problem was arose in the locality. The second respondent has to conduct the peace committee meeting and he ought to have decided on the right of the petitioners over the property. Instead of doing that, the RDO passed the impugned order, which is not sustainable one. Hence, the learned counsel further submitted that the RDO has no power to pass orders when there is a suit pending in respect of the subject property and therefore, the leaned counsel seeks permission to canvas all the points before the concerned civil Court. The learned counsel prays that this Court may quash the impugned order passed by the RDO and allow the writ petition.



4. Heard, learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. Though there was a property dispute between the petitioner and the private respondents, for which, law and order issue arose between them in the locality. Based on the complaint, the 5th respondent police conducted enquiry and referred the matter to the second respondent/RDO under Section 107 of Cr.P.C. After enquiry, the RDO passed the impugned order.

6. Considering the fact and circumstances of the case, this Court is inclined to direct the petitioner as well as the private respondents to canvas all the points before the trial Court, where the suit is pending. Without influencing the order of the second respondent, the learned District Munsif, Pappireddipatti shall decide the suit in O.S.No.53 of 2020 as expeditiously as possible.

7. With the above directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Rli

To

- 1 The District Collector,
Dharmapuri District,
Dharmapuri.
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Dharmapuri District.
- 4 The Tahsildar,
Pappireddipatti Taluk, Dharmapuri District.



5 The Inspector of police,
Morappur Police station,
Dharmapuri District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.35058

+1cc to Mr.J.Pradeep, Advocate, S.R.No.35072

+1cc to the Government Pleader, S.R.No.35523

W.P. No.12484 of 2022

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NSK/07/07/2022