



W.P.No. 28015 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 28015 of 2022

and

WMP.Nos.27311 to 27313 of 2022

T.Alamelu

... Petitioner

Versus

1. Government of Tamil Nadu
Rep. by the Principal Secretary to Government
Revenue Department, Fort St. George
Chennai - 600 009.
2. The District Collector
Dharmapuri District
Dharmapuri.
3. The Sub Collector
Dharmapuri District
Dharmapuri.
4. The Deputy Superintendent of Police
Palacode, Dharmapuri District.
5. The Inspector of Police
Mahendramangalam
Palacode, Dharmapuri District.
6. Govindan
7. Santosh
8. Nanjundan
9. Devarajan



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- 10.Nataraj
- 11.A.Paneerselvam
- 12.Thirumal
- 13.Puviarasu
14. Soundararaj
15. Rangan @ Ranganathan
16. Sundararajan
- 17.Vijaya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings bearing in Na.Ka.No. 7012/2021/A2, dated 20.04.2022, issued by the 3rd respondent herein, namely, the Sub Collector, Dharmapuri and quash the same.

For Petitioner : Mr.K.S. Govinda Prasad

For Respondents

1 to 5 : Mr.U. Bharanidharan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings in Na.Ka.No.7012/2021/A2, dated 20.04.2022, issued by the 3rd respondent/Sub Collector, Dharmapuri District and quash the same.



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2. According to the petitioner, the petitioner is the absolute owner of the properties comprised in S.No.124/1B1 measuring to an extent of 6.56.5 hectares out of which 0.94 hectares; in S.No.124/3 measuring to an extent of 0.49.0 hectares out of which 0.07 hectare; in S.No.126/2 measuring to an extent of 5.31.0 out of which 0.76 hectares and measuring a total extent of 1.77 hectares (4.36 acres in other words 1/7 of the properties were purchased from one Poongodi) situated at Pickanahalli Village, Palacode, Dharmapuri District, the said property was purchased by way of registered sale deed, dated 10.11.2018 vide Doc.No.2228 of 2018 on the file of Sub Registrar Office, Marandahalli. The respondents 6 to 17/plaintiffs have filed a suit in O.S.No.34 of 2022 on the file of Sub Court, Palacode, Dharmapuri District, for declaration and permanent injunction. During the pendency of the suit, the respondents 6 to 17 filed an I.A.No.57 of 2022 seeking to reject the plaint. There was some property dispute between the petitioner and the private respondents 6 to 17. In this regard, the petitioner made a representation dated 15.02.2022 to the respondents 4 and 5 to take suitable action against 13 persons for destroying the crops cultivated by her and also destroying other valuable belongings of mine. The petitioner sent another representation dated 29.08.2022 to the 2nd



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respondent/District Collector to vacate the impugned order passed by the 3rd respondent on 20.04.2022 forbearing entry into the said property.

After receiving the said representation, the respondents have not taken any action on the representations of the petitioner. Therefore, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that there was some civil dispute between the petitioner and the private respondents 6 to 17 herein. Thereby the petitioner initiated criminal proceedings against them. Pursuant to which, the impugned order Na.Ka.No.7012/2021/A2, dated 20.04.2022 came to be passed by the third respondent. He further submitted that it would suffice, if this Court issue a direction to the official respondents to consider the petitioner's latest representation dated 29.08.2022 and 30.08.2022 and to pass appropriate orders within a reasonable time frame.

4. Heard the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the records.



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5. On a perusal of the records, it is seen that there was some property dispute between the petitioner as well as the private respondents 6 to 17. The respondents/plaintiffs 6 to 17 have filed the suit in O.S.No.34 of 2022 for declaration to declare that the suit property belongs to the villagers of Pickanahalli Village, Palacode, Dharmapuri District; restraining the defendants from peaceful possession and enjoyment of the suit property by the plaintiffs; to declare that the sale deed, dated 16.12.1966 executed in favour of Samyounder, on the file of Sub Registrar Office, Palacode, as null and void; to declare that the sale deed dated 09.04.2012 executed in favour of the 2nd defendant as null and void and to declare that the sale deed dated 10.11.2018 executed in favour of the 8th defendant vide Doc.No.2228/2018 on the file of Sub Registrar Office, Palacode, as null and void.

6. Pending the suit, the respondents 6 to 7 have also filed I.A.No.56 of 2022 in O.S.No.34 of 2022 seeking an interim injunction and after scrutinizing the records, the trial Court granted interim order. The petitioner/8th defendant herein also filed I.A.No.546 of 2022 seeking to reject the plaint filed by the respondents 6 to 17. The petitioner has also made a criminal complaint against the private respondents in respect



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of the aforesaid disputed property before the respondents/police 4 & 5
and the same was not considered till date.

7. Admittedly, the issue involved in this petition is purely civil in nature which has to be ventilated before the civil Court for obtaining a restraint order against the private respondents 6 to 17 and exercising the jurisdiction under Article 226 of the Constitution of India is not warranted.

8. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to work out her remedy before the competent civil Court in the manner known to law. No costs. Consequently, connected WMPs are closed.

20.10.2022

msm



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To
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M.DHANDAPANI, J.

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