



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.12666 of 2012

and

M.P (MD) No.3 of 2012

WEB COPY

1.Chinnasamy
2.Chellammal
3.Mathivanan

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Tiruchirappalli District.

2.Saraswathy
3.Celiyan
4.Pushparaj
5.Serveeswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in its proceedings in Na.Ka.A3/2689/2012 dated 23-08-2012 and quash the same and consequently direct the first respondent not to intervene in the civil dispute in between the petitioner and respondents 2 to 5.

For Petitioners : M/s.J.Maria Roseline
for Mr.Sribalaji

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R1
Mr.S.Madhu
for Mr.S.Muthu Krishnan

ORDER

The present writ petition has been filed challenging the proceedings in a peace committee meeting, dated, 23.08.2012, in which certain decisions have been taken by the first respondent herein.

2. The learned counsel for the petitioners has contended that the writ petitioners have already initiated O.S.No.232 of 2011 before the District Munsif Court, Lalgudi as against the private respondents for the relief of permanent injunction. While the said suit is pending due to certain dispute in the village, the first respondent has convened a peace committee meeting on 23.08.2012. In the said peace committee meeting, the first respondent has directed that both the parties should not enter into the properties or



cultivate the disputed lands. The first defendant has also directed that even in the adjacent private property of the third petitioner, none of the outsiders should stay there. According to the learned counsel for the petitioners, the entire proceedings in the peace committee meeting amounts to usurping the power of the civil Court.

3. Per contra, the learned Additional Government Pleader for the first respondent has contended that in view of the law and order situation prevailing in the said place at that point of time, the first respondent was constrained to interfere.

4. I have carefully considered the submissions made on either side.

5. A careful reading of the order passed by the Revenue Divisional Officer indicates that certain decisions have been arrived at, in which the third petitioner though has participated, had refused to sign the proceedings accepting the decisions. When a civil suit is pending, the revenue authorities will not have any jurisdiction, whatsoever to pass such kind of orders. In fact in clause 2 of the decision, the right of the third responden with regard to his private property has also been interfered with by the decision of the first respondent herein. Hence, I find that the entire exercise carried out by the first respondent herein under the guise of a peace committee is clearly outside his jurisdiction and amounts to usurping the powers of the civil Court.

6. In view of the above said discussion, the decision arrived at in the impugned peace committee meeting, dated 23.08.2012 are hereby quashed and the writ petition stands allowed.

7. The civil dispute between the petitioners and the private respondents are pending in O.S.No.232 of 2011 on the file of the District Munsif Court, Lalgudi for the past 11 years. According to the learned counsel for the petitioner, the P.W.1 is in the box. The learned District Munsif Court, Lalkudi is directed to dispose of the suit within a period of 3 months from the date of receipt of a copy of this order and inform the same to the registry.

8. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The District Munsif,
Lalkudi, Trichirappalli District.

2.The Revenue Divisional Officer,
Tiruchirappalli District.

COPY TO:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. MUTHUKRISHNAN, Advocate (SR-28292[F]
dated 27/06/2022)

+1 CC to M/s.SPL.GP (SR-27983[F] dated 24/06/2022)

Order made in
W.P. (MD) .No.12666 of 2012
23.06.2022

KG (CO)

GC (07.07.2022) 3P 6C