



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.14186 of 2021

Tirunelveli District Palmyra Products Co-operative

Federation Limited - 0837,

Represented by its Managing Director,

48-A, Davispuram Road,

Muthu Krishnapuram,

Thoothukudi-628 001,

Thoothukudi.

...Petitioner

Vs.

1.The District Collector,

Thoothukudi District,

Thoothukudi.

2.The District Revenue Officer,

Thoothukudi District,

Thoothukudi.

3.The Revenue Divisional Officer,

Kovilpatti Revenue Division,

Kovilpatti, Thoothukudi District.

4.The Tahsildar,

Vilathikulam Taluk Office,

Vilathikulam,

Thoothukudi District.

5.Punitha.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the official respondents to vacate the fifth respondent and her men from the property of the federation viz the house property in Natham Survey No.315/39 in patta No.389 and the house in D No.1-136 & 155, Vembar Village, Vilathikulam Taluk, Thoothukudi District, based on the petitioner's complaint and representation dated 12.03.2021 and 28.05.2021 within the period stipulated by this Court.



For Petitioner : Mr.Varun
For Mr.Ananth.C.Rajesh
For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R5 : Mr.K.Arunraj

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ORDER

This Writ Petition has been filed by the Tirunelveli District Palmyra Products Co-operative Federation Limited, which is claimed to have been established for the welfare of the farmers, who are in the agricultural process of the Palmyra products. The petition has been filed by the Managing Director. It is claimed that he is competent to file the Writ Petition as per Rule 146 (3) of the Tamil Nadu Co-operative Society Rules, 1988.

2.The relief sought in the Writ Petition is for a Mandamus for the Court to issue a direction to, whom the petitioner claims as official respondents namely, the first to fourth respondents/the District Collector, Thoothukudi, the District Revenue Officer, Thoothukudi, the Revenue Divisional Officer, Kovilpatti and the Tahsildar, Vilathikulam Taluk Office in Thoothukudi District, to vacate the fifth respondent/Punitha from the property of the petitioner namely, the house property at Natham Survey No.315/39 in Patta No.389 and the house in Door No.1-136 and 155 in Vembar Village, Vilathikulam Taluk, Thoothukudi District.

3.The petitioner appears to have given a complaint and representation on 12.03.2021 and 28.05.2021 to the first to fourth respondents. This Court can never grant such direction under Article 226 of the Constitution of India, without examining the facts as to nature of possession of the fifth respondent, the right which the petitioner claims over the said property and also when and how the fifth respondent came to be in possession of the said property and what are the terms of such possession.

4.Before vacating even a trespasser, procedure in manner known to law should be followed. The petitioner always has a remedy before the Civil Court and if the petitioner claims title over particular property, the petitioner should naturally seek necessary relief before a competent Civil Court.

5.The Writ Court cannot be used as an arm for this particular purpose. Without examining the aforesaid issues which are all issues of fact, which have to be pleaded, which have to be adduced in evidence, which evidence will have to be tested during the course of argument, the Writ Court can never direct any body to be evicted



from a particular place of occupation.

6.The Writ Petition is misconceived. This Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Thoothukudi District.
- 4.The Tahsildar,
Vilathikulam Taluk Office,
Vilathikulam, Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-2048[F] dated 21/01/2022)
+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-2053[F] dated 21/01/2022)
+1 CC to M/s.K.ARUNRAJ, Advocate (SR-1975[F] dated 21/01/2022)

W.P (MD) .No.14186 of 2021
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TR(04.02.2022) 3P 8C