



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.10.2022

CORAM

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23897 of 2022

Selvaraj

..Petitioner

Vs

1.The District Collector,
Pudukkottai, Pudukkottai District.

2.The Tahsildar,
Karambakudi, Pudukkottai District.

3.The Block Development Officer,
Karambakudi, Pudukkottai District.

4.The Sub Inspector of Police,
Karambakudi Police Station, Pudukkottai District.

5.Govindaraj

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to direct the respondents 3 and 4 not to compel and threaten the Petitioner along with the fifth respondent based on his representation, dated 21.09.2022.

For Petitioner :Mr.NA.Palaniyandi

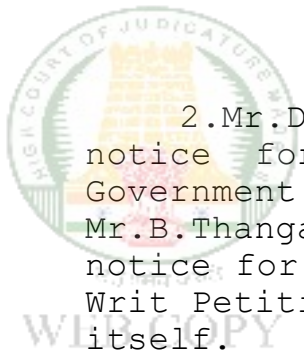
For Respondents :Mr.D.Gandhiraj
1 and 2 Special Govt.Pleader

For Respondent-3 :Ms.S.Jayapriya
Govt.Advocate

For Respondent-4 :Mr.B.Thanga Aravindh
Govt.Advocate (Crl.Side)

ORDER

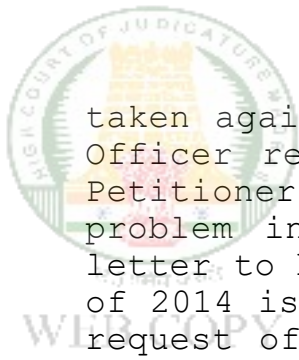
The Petitioners have prayed for issuance of a Writ of Mandamus directing the first respondent to direct the respondents 3 and 4 not to compel and threaten the Petitioner along with the fifth respondent based on his representation, dated 21.09.2022.



2.Mr.D.Gandhiraj, learned Special Government Pleader, has taken notice for the respondents 1 and 2, Ms.S.Jayapriya, learned Government Advocate takes notice for the third respondent and Mr.B.Thanga Aravindh, learned Government Advocate(Crl.Side) takes notice for the fourth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner and his family members are residing at the petition mentioned address.Whiles, the Petitioner's father Subban and subsequently, his mother Malayathal died in the year 1986. The petitioner and his four sisters are the legal heirs of his parents.The Petitioner's mother Malayathal, one Duraichamy and Mariyayee are having some lands measuring an extent of 0.2.00 ares in Pallavarayanpatti village, Karambakudi Taluk, Pudukkottai District and now joint patta has been issued in favour of the above said persons for the said lands and the joint patta Number is 1819.After the demise of his mother, the Petitioner is in enjoyment of his mother's portion without any hidrance from his sisters as well as the above joint patta holders. The fifth respondent is having a house property in the northern side of the Petitioner's property, having a proper pathway. However, the fifth respondent purposely interrupted in the Petitioner's property and hence the Petitioner hs filed a suit in O.S.No.48 of 2014, on the file of the District Munsif Court, Pudukkottai and on application in I.A.No.872 of 2015, an Advocate Commissioner was appointed and he has filed the report in the year 2017.Thereafter, the above said suit was transferred to the file of District Munsif cum Judicial Magistrate, Alangudi, Pudukkottai District and the same is pending till now. In the meantime, the local authorities have facilitated to have a water canal and public road near the Petitioner's land.The fifth respondent by using his influence had damaged the canal and public pathway and inserted pipe cultert by damaging the Petitioner's lands.The Petitioner approached the fourth respondent to take necessary action for the illegal act of the fifth respondent. However, the respondents 3 and 4 came to the Petitioner's land and compelled and threatened the Petitioner not to disturb the illegal act of the fifth respondent. Hence the Petitioner has given a representation on 21.09.2022 in this regard. Since the same has not been considered so far, the Petitioner has filed the present Writ Petition for the relief stated supra.

4.On going through the typed-set of papers, it is seen that patta has been issued to the Petitioner's land and he has also filed a civil suit wherein, an Advocate Commissioner was appointed and he has filed his report laong with sketch and the case is pending for evidence. The petitioner has given a complaint against the fifth respondent and the learned Government Advocate(Crl.Side) appearing for the fourth respondent submitted that a CSR receipt has been issued on the Petitioner's complaint and action to be



taken against them under Section 107 Cr.P.C. The Revenue District Officer requested them to maintain peace and harmony between the Petitioner and rival parties in order to avoid law and order problem in the locality. The Tahsildar, Karambakudi has given a letter to both the parties stating that till the suit in O.S.No.48 of 2014 is disposed of, they will not take any action in the said request of both the parties and directed them to maintain status-quo.

5.As the authorities have considered the request of the Petitioner, there is no cause of action arose for taking further action. Moreover, if the canal in question is damaged, the authorities concerned shall take steps to protect the same, in the interest of general public.

6.With the above observation, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/11/2022

Sub Assistant Registrar(CS)

vsn

To

- 1.The District Collector,
Pudukkottai, Pudukkottai District.
- 2.The Tahsildar,
Karambakudi, Pudukkottai District.
- 3.The Block Development Officer,
Karambakudi, Pudukkottai District.
- 4.The Sub Inspector of Police,
Karambakudi Police Station, Pudukkottai District.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-50197[F] dated 18/10/2022)

+1 CC to M/s.SPL.GP (SR-50694[F] dated 20/10/2022)

W. P (MD) No.23897 of 2022

18.10.2022

AMS (31.10.2022) 3P 8C

<https://www.mhc.tn.gov.in/judis>