



W.P.(MD)No.27137 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27137 of 2022

S.P.Ragunatha Ambalam

... Petitioner

Vs.

1.The District Collector,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Inspector of Police,
Devakottai,
Sivagangai District.

4.Sivakumar

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to implement the orders passed by the second respondent dated 17.03.2022 in Mu.Mu.No.A1/6744/2020, as confirmed by the first respondent in his proceedings dated 30.08.2022 in Mu.Mu.No.P1.18023/2022 within the period stipulated by this Court.

For Petitioner	: Mr.VR.Shanmuganathan
For R1 & R2	: Mr.A.Kannan Additional Government Pleader
For R3	: Mr.B.Thanga Aravindh Government Advocate (Crl.Side)



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3, to implement the orders passed by the second respondent, dated 17.03.2022 in Mu.Mu.No.A1/6744/2020, as confirmed by the first respondent in his proceedings, dated 30.08.2022 in Mu.Mu.No.P1.18023/2022 within the period stipulated by this Court.

2. Heard Mr.VR.Shanmuganathan, learned counsel for the petitioner, Mr.A.Kannan, learned Additional Government Pleader, who takes notice for respondents 1 & 2 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.Side), who takes notice for the third respondent. Since no adverse order is going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that the orders passed by the second respondent on the application of the petitioner directing the third respondent to evict the fourth respondent from the illegally occupied houses belonging to the petitioner, has not been complied with.



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4.The learned counsel for the petitioner submitted the fourth respondent is the son of the petitioner herein. Since the fourth respondent had made troubles to the petitioner seeking to transfer all his properties in the name of the fourth respondent, the petitioner made an application before the second respondent, who after considering all the facts and circumstances and after hearing the fourth respondent, passed an order directing the third respondent to evict the fourth respondent from the illegally occupied houses of the petitioner within a period of sixty days. The said order has not been complied with. Hence, the petitioner has filed the present writ petition.

5.The learned counsel for the petitioner further submitted that the order of the second respondent has not been complied with for the reason that the fourth respondent herein has filed a civil suit and the same is pending. The prayer sought for by the fourth respondent in the said civil suit is to follow due process of law in evicting the petitioner. It is contention of the petitioner that the eviction order itself has been passed by following due process of law and even after hearing the fourth respondent herein. Hence, the suit filed by the petitioner is not at all maintainable.

5.The learned Additional Government Pleader appearing for the official respondents, on instructions, would submit that the proceedings have been initiated to implement the order of the second respondent.



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6.In view of the above submission, this Court without expressing any opinion on the merits of the matter, directs the official respondents to implement of the order passed by the second respondent, dated 17.03.2022 in accordance with law, as expeditiously as possible.

7.With the above direction, this writ petition is disposed of. There shall be no order as to costs.

02.12.2022

Index : Yes/No
Internet : Yes/No
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To

1.The District Collector,
Sivagangai.

2.The Revenue Divisional Officer,
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Sivagangai District.

3.The Inspector of Police,
Devakottai,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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