



W.P(MD)No.27811 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27811 of 2022

and

W.M.P.(MD)No.21911 of 2022

Kumarpandi

... Petitioner

Vs.

1.The Tashildar,
Office of the Tashildar,
Madurai District.

2.V.Pasupathy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order issued by the respondent in his proceedings in Na.Ka.No.01/2022/E3 dated 30.11.2022 and quash the same.

For Petitioner : Mr.J.Vishnu

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1.
Mr.R.Gowri Shankar for R2.

ORDER

Heard the learned counsel on either side.



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2.The writ petitioner is none other than the son of the second respondent.

The writ petitioner challenges the order dated 30.11.2022 passed by the Tashildar, Thirumangalam for enforcing the earlier order dated 01.02.2022 passed by the Maintenance Tribunal. The impugned order is only consequential in nature. It is not the primary order. The primary order is dated 01.02.2022 passed by the Maintenance Tribunal. It has been categorically stated therein that the property comprised in S.No.75/12 is in the name of Chinnayapandi and Rajapandi Ammal who are siblings of the writ petitioner. It has been directed by the Maintenance Tribunal that the petitioner should not cause them any harassment or interfere with their possession and enjoyment. The very same direction has been issued by the District Collector in his order dated 24.06.2022. In order to enforce these directions, the impugned order has been passed. When the primary order has not been stayed or set aside, there cannot be any challenge against the consequential order alone. The writ petition is not maintainable. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.12.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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The Tashildar,
Office of the Tashildar,
Madurai District.



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G.R.SWAMINATHAN, J.

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