



W.P.No.29757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.29757 of 2023

and

W.M.P.Nos.29364 & 29365 of 2023

1. S.Syed Malik

2. R.N.Syed Mukram

3. R.N.Syed Akmal

... Petitioners

Vs.

1. The District Collector,
District Collector Office,
Vengikkal,
Tiruvannamalai – 606 604.

2. The District Revenue Officer,
District Collector Office,
Vengikkal,
Tiruvannamalai – 606 604.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai – 606 601.



W.P.No.29757 of 2023

WEB COPY

4. The Tahsildar,
Taluk Office,
Tiruvannamalai 606 601.
5. The Municipal Commissioner,
Municipal Office,
Tiruvannamalai – 606 601.
6. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai – 600 001.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus in forbearing the respondents 1 to 4 from interfering with the petitioners peaceful possession in T.S.No.1802/1, T.S.No.1802/2 and T.S.No.1815.

For Petitioners	: Mr.S.Natarajan
For R1 to R5	: Mr.P.Gurunathan Additional Government Pleader
For R6	: Mr.S.Haja Mohideen Girthi



WEB COPY



W.P.No.29757 of 2023

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, seeking direction to forbear the respondents 1 to 4 from interfering with the petitioners' peaceful possession and enjoyment of the property.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

3. It is the contention of the learned counsel for the petitioners that the respondents 3, 4 & 5 had illegally entered into the petitioners' property in T.S.No.1802/1, T.S.No.1802/2 and T.S.No.1815 and surveyed the same. Without serving any notice on the petitioners, the respondents had also started eviction proceedings. Hence, the petitioners filed the present writ petition seeking direction to forbear the respondents from interfering with the peaceful possession of the petitioners' property.



W.P.No.29757 of 2023

WEB COPY

4. Whether the petitioners are in possession and enjoyment of the suit property or not and whether the respondents 3, 4 & 5 are attempting to interfere with the peaceful possession of the petitioners or not are all question of facts, which have to be proved through material evidence and the same cannot be decided in a writ petition.

5. Hence, the Writ Petition is dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law. There shall be no order as to costs. W.M.P.No.29364 of 2023 is ordered on subject of payment of separate court fees by each of the petitioners. Consequently, connected miscellaneous petition No.29365 of 2023 is closed.

07.11.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



W.P.No.29757 of 2023

To
WEB COPY

1. The District Collector,
District Collector Office,
Vengikkal,
Tiruvannamalai – 606 604.
2. The District Revenue Officer,
District Collector Office,
Vengikkal,
Tiruvannamalai – 606 604.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai – 606 601.
4. The Tahsildar,
Taluk Office,
Tiruvannamalai 606 601.
5. The Municipal Commissioner,
Municipal Office,
Tiruvannamalai – 606 601.
6. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai – 600 001.



WEB COPY



W.P.No.29757 of 2023

P.VELMURUGAN, J.

mfa

W.P.No.29757 of 2023

and

W.M.P.Nos.29364 & 29365 of 2023

07.11.2023