



W.P.No.32521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32521 of 2023

and

W.M.P.Nos.32124 & 32125 of 2023

R.Kamalakaran
S/o.Ramasamy

... Petitioner

versus

1. The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District.
2. The Tahsildar
Vandavasi Taluk,
Vandavasi
Thiruvannamalai District.
3. The Sub-Inspector of Police
Ponur Police Station
Ponur, Vandavasi Taluk
Thiruvannamalai District.
4. The Village Administrative Officer
Kilputhur
Kilputhur Village and Post
Vandavasi Taluk
Thiruvannamalai District.

Pg.Nos.1/7



W.P.No.32521 of 2023

5. The President
Kilpathur Village Panchayat
Kilpathur Village and Post
Vandavasi Taluk
Thiruvannamalai District.

6. Manickam

7. M.Balu

8. M.Rangan

9. D.Vasantha

10. Shanthi

11. Pachaiappan

12. Rajamanickam

13. Danasekaran

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to dispose the appeal filed by the petitioner which was received by the 1st respondent on 08.09.2022.

For Petitioners	:	Mr.N.Sampath
For Respondents	:	Mr.P.Gurunathan
		Additional Government Pleader
		for R1, R2 and R4
		Mr.S.Sugendran
		Additional Public Prosecutor, for R3
		Mr.Prasanth Kiran
		Government Advocate, for R5



W.P.No.32521 of 2023

ORDER

WEB COPY

Mr.P.Gurunathan, learned Additional Government Pleader accepts notice for respondents 1, 2 and 4. Mr.S.Sugendran, learned Additional Public Prosecutor accepts notice for third respondent. Mr.Prasanth Kiran, learned Government Advocate accepts notice for fifth respondent. Since this writ petition is being disposed of without passing any adverse orders against the respondents 6 to 13, affecting their interest, notice to those respondents is dispensed with.

2. The petitioner seeks for a Mandamus directing the first respondent to dispose of the appeal dated 08.09.2022, wherein and whereby, he sought for setting aside the order dated 06.07.2022 passed by the first respondent and consequently direct the respondents 1 and 2 to grant patta in favour of the petitioner in respect of 30 cents of land (Kallankuthu) situated in S.No.57, Kilputhur Village, Vandavasi Taluk, Thiruvannamalai District.

3. It is stated that the writ petitioner has already filed a suit for injunction in O.S.No.121 of 2013 before the Sub Court, Cheyyar and got



W.P.No.32521 of 2023

permanent injunction as against the respondents 6 to 13 restraining them not to interfere with the peaceful possession and enjoyment of the subject property. Once the petitioner got a decree for permanent injunction from the competent Civil Court as against the private respondents, if at all the private respondents are violating the same, he has to work out his remedy in the manner known to law before the competent Civil Court. Further, the petitioner has unnecessarily impleaded the Sub-Inspector of Police, Thiruvannamalai District as third respondent, who has nothing to do with the present writ petition and therefore, the writ petition is dismissed as against the third respondent. Since the petitioner got the permanent injunction as against the respondents 6 to 13 before the competent Civil Court, this writ petition is dismissed as against the respondents 6 to 13.

4. This Court, at this stage, is not expressing any view on the merits of the appeal filed by the petitioner, as it is for the 1st respondent to consider and decide the same on merits and in accordance with law. Since the limited prayer sought for in this writ petition is for disposal of the appeal pending before the 1st respondent, this Writ Petition is disposed of,



W.P.No.32521 of 2023

directing the 1st respondent to consider the appeal dated 08.09.2022 filed by the petitioner and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as the rival claimants / interested parties, if any. Such exercise shall be done by the 1st respondent within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

20.11.2023

Speaking/Non-speaking order

Index: Yes/No

Neutral citation : Yes/No

mk



W.P.No.32521 of 2023

WEB COPY

To

1. The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District.
2. The Tahsildar
Vandavasi Taluk,
Vandavasi
Thiruvannamalai District.
3. The Sub-Inspector of Police
Ponur Police Station
Ponur, Vandavasi Taluk
Thiruvannamalai District.
4. The Village Administrative Officer
Kilputhur
Kilputhur Village and Post
Vandavasi Taluk
Thiruvannamalai District.
5. The President
Kilpathur Village Panchayat
Kilputhur Village and Post
Vandavasi Taluk
Thiruvannamalai District.



WEB COPY



W.P.No.32521 of 2023

P.VELMURUGAN, J.

mk

W.P.No.32521 of 2023

20.11.2023

Pg.Nos.7/7