



W.P.No.35877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35877 of 2023

Velliyangiri

.. Petitioner

Vs

1.The District Collector,
Erode District.

2.The District Revenue Officer,
O/o. The Erode District Collectorate,
Erode.

3.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

4.The Tahsildar,
Nambiyur.

5.The Executive Officer,
Nambiyur Panchayat,
Nambiyur,
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, their men, agents, servants and subordinates from disturbing the peaceful possession and enjoyment of the properties and the shop



W.P.No.35877 of 2023

including the pathway situated at old survey no.202/1 and in new survey no.202/8 totally measuring about 808 sq. ft. situated in Nambiyur Village, Gobichettipalayam Taluk, Erode District pending disposal of suit in O.S.No.58 of 2022 on the file of the learned District Munsif Court, Gobichettipalayam and except by due process of law.

For the Petitioner : Mr.S.A.Sayed Shuhaibb

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.S.A.Sayed Shuhaibb, learned counsel for the petitioner; and Mr.P.Muthukumar, learned Stated Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that the petitioner is the owner of the shop and building in question. The respondents are trying to interfere with the possession of the petitioner.

3. Learned counsel for the petitioner further submits that the petitioner had filed a suit for injunction against his neighbour and



W.P.No.35877 of 2023

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also impleaded the respondent authorities as defendants in the suit.

4. Learned counsel for the petitioner admits that the respondents in the writ petition are defendants in the pending suit and the suit is for injunction.

5. If the petitioner has a right over the property and if the defendants therein are illegally interfering in his possession, then the remedy is available to seek appropriate orders of injunction from the civil court, where the suit is pending.

6. In the light of that, the writ petition is disposed of with liberty to the petitioner to file appropriate application in the pending suit. There shall be no order as to costs. Consequently, W.M.P.No.35876 of 2023 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

22.12.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.P.No.35877 of 2023

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WEB COPY

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Nambiyur,
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W.P.No.35877 of 2023

THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.P.No.35877 of 2023

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