



W.P.(MD) No.16359 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.16359 of 2020 and
WMP(MD) No.13668 of 2021

Thangavelu,

... Petitioner

Vs

1. The Tahsildar,
Devakottai Tk, Sivagangai District.

2. The Block Development Officer,
Devakottai Panchayat Union,
Sivagangai District.

3. The President,,
Muppaiyur Village Panchayat, Devakottai
Panchayat Union, Sivagangai District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioners possession and enjoyment of property in Survey No.425/5 Vettivayal Village, Muppaiyur Group, Devakottai Tk, without following the process of law.

For Petitioner : Mr.J.Anandkumar
For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from interfering with the petitioners possession and enjoyment of property in Survey No.425/5 Vettivayal Village, Muppaiyur Group, Devakottai Tk, without following the process of law.

2.When the writ petition was entertained, this Court passed the following order on 08.01.2021:

“It is seen that the petitioner is enjoying a decree in his favour. It is not open to the respondents to act in contravention or breach of the civil Court's decree. Hence, there shall be an order of interim injunction.”

3.When the matter was taken up for hearing today, the learned Special Government Pleader submitted that the petitioner died on 09.03.2023.



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4.The learned counsel for the petitioner submitted that as against the judgment and decree passed by the trial Court, the official respondents have filed an appeal with a delay and the same is pending in IA No.1/2021 in Unnumbered appeal suit on the file of the Sub Court, Devakottai.

5.In view of the above, the official respondents shall work out their remedy in the pending appeal before this Court. Till then, status quo will be maintained. Accordingly, this writ petition is closed. No costs. Consequently connected Miscellaneous Petition is closed.

06.10.2023

Index : Yes/No

NCC : Yes/No

RR

To

1. The Tahsildar,
Devakottai Tk, Sivagangai District.

2. The Block Development Officer,
Devakottai Panchayat Union,
Sivagangai District.



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N.ANAND VENKATESH, J.

RR

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