



WEB COPY



WP.No.13343 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**WP.No.13343 of 2024 & WMP.No.14493 of 2024**

T.Tamilmathi

.. Petitioner

Versus

1. The Revenue Divisional Officer,  
Mannargudi, Thiruvarur District.

2. Vijayalakshmi

3. N.Ammya

4. N.Sankaran

5. Parimala

6. Gandhimathi

7. Ponni

8. Manjula

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records from the 1st respondent relating to the order bearing No. Pa.Mu. A3 / 5629 / 2023 dated 11.12.2023 and quash the same and direct him to evict the respondents 2 to 8 from the premises of the petitioner at the Mahamariamman Kovil street Mannargudi Thiruvarur district and hand over possession to the petitioner and recover the rental arrears of RS 1 12 000/- from the respondents 2 to 8 and disburse the same to the petition.



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For Petitioner : Mr.S.Ayyathurai

For Respondents : Mr.P.Sathish  
Additional Government Pleader – R1 & R2

### **ORDER**

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned order bearing No. Pa.Mu. A3 / 5629 / 2023 dated 11.12.2023 made by the first respondent and direct him to evict the respondents 2 to 8 from the premises of the petitioner at the Mahamariamman Kovil Street, Mannargudi, Thiruvarur District and hand over possession to the petitioner and recover the rental arrears of Rs.1,12 000/- from the respondents 2 to 8 and disburse the same to the petitioner.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.



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4. It is the case of the writ petitioner that the petitioner is the owner of the subject property and the property was rented out to respondent 2 to 9 on a monthly rent of Rs.700/- under a rental agreement dated 28.05.2005. As the building is more than 60 years old and the petitioner wanted to demolish and reconstruct the said building, he requested the respondents 2 to 8 vacate the premises. As they have not vacated the premises, the petitioner filed R.C.O.P.No.14 of 2011 for evicting the respondents and he has also obtained eviction Order. The appeal filed against the said Order has also been dismissed. The Execution Proceedings has also been filed by the petitioner and it is in the process of numbering. At this stage, the petitioner made a representation before the first respondent to evict the respondents 2 to 8. However, the first respondent directed the parties to approach the civil Court. Challenging the said Order, the present Writ Petition has been filed.

5. At the outset, this Court is of the view of the as the petitioner has already filed an execution petition before the concerned Court, at most the petitioner can file a Civil Revision Petition seeking earlier disposal of the execution petition and not filing a Writ Petition seeking aforesaid relief. Hence, I do not find any merits in this Writ Petition.



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6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

**06.06.2024**

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The Revenue Divisional Officer,  
Mannargudi, Thiruvarur District.



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**N. SATHISH KUMAR, J.**

vrc

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**06.06.2024**