



W.P.No.17869 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.17869 of 2020
and
W.M.P.Nos.22163 & 22165 of 2020

S.Ramesh

...Petitioner

-Vs-

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District,
Namakkal.
- 3.The Revenue Divisional Officer,
Namakkal,
Namakkal District.
- 4.The Tahsildar,
Namakkal Taluk,
Namakkal District.
- 5.The Deputy Taluk Surveyor,
Land Measurement Section,
Office of Tahsildar,
Namakkal.
- 6.The Field Surveyor,



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Land Measurement Section,
Vasanthapuram Village,
Office of Tahsildar,
Namakkal.

7.The Revenue Inspector,
Kottai Main Road,
Namakkal,
Namakkal District.

8.The Village Administrative Officer,
Vasanthapuram Village,
Namakkal Taluk,
Namakkal District.

9.The Inspector of Police,
Namakkal Police Station,
Namakkal.

10.Karthik

11.Arul

12.Ezhilarasi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, calling for the records of order in Na.Ka.No.1774/2018/A6 dated 18.06.2018 on the file of the third respondent and quash the same and pass such further orders.

For Petitioner : Mr.T.S.Sankar

For R1 to R3 : Mrs.R.L.Karthika
Government Advocate

For R10 : Mr.S.Mukunth



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Senior Counsel
for M/s.Sarvabhauman Associates

For R11 : Mr.C.Jagadish

For R4 to R9
& R12 : No appearance

ORDER

This writ petition is filed for issuance of a Writ of Certiorari, calling for the records of order in Na.Ka.No.1774/2018/A6 dated 18.06.2018 on the file of the third respondent and quash the same.

2. Learned counsel for the petitioner submitted that the third respondent's order dated 18.06.2018 was passed pursuant to the order passed by this Court in ***W.P.No.2504 of 2018 dated 06.02.2018***. The petitioner was not called for the enquiry and without him being heard, the third respondent had passed the order.

3. Learned counsel further submitted that the writ petitioner has filed the suit in O.S.No.274 of 2017 on the file of the learned District Munsif, Namakkal, and now the suit is in the amendment petition stage, which is to be posed on 02.07.2024.



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4. The prayer of the suit reads as follows:

“a) For permanent injunction restraining the defendants 1 to 3 by themselves or through defendants 4 to 6 their men and agents or any one claiming any right through them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property either by obliterating, denying, distorting or preventing the plaintiff from using the pathway leading from the north south Namakkal Trichy main road which runs through the southern boundary of the lands in SF Nos.40 and 41/2, 3 and 7 till it reaches the suit property situated in SF No.41/9 which is coloured in red in Plan annexed with the Complaint or other.

b) Directing the defendants to pay the plaintiff's cost of the suit.”

5. Learned senior counsel appearing for the tenth respondent submitted that since the petitioner has already filed the suit, he has to conduct the same and his remedy lies therein and not in the writ petition.

6. Learned senior counsel further submitted that the Trial Court may be directed to dispose of the suit within a time frame that may be fixed by this Court. The learned counsel appearing for the petitioner has no objection for the above direction to be issued by this Court. This Court is



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incline to accept the above submissions.

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7. Heard both sides and perused the materials placed on record.

8. This Court by order dated 06.02.2018 in W.P.No.2540 of 2018 had directed the third respondent to dispose of the representation of the petitioner after hearing both parties, viz., Ezhilarasi (petitioner) and Karthick (10th respondent). **Nowhere in the order it is mentioned that the petitioner, namely, S.Ramesh, has to be heard. Hence, the contention of the learned counsel for the petitioner is unsustainable.**

9. **In view of the above submission made by the learned counsel on either side, the learned District Munsif, Namakkal, is directed to dispose of the suit in O.S.No.274 of 2017 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of the order.**

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected



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miscellaneous petitions are closed.

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Index : Yes/No

Speaking / Non-Speaking Order

To

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Namakkal District,
Namakkal.
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Namakkal.
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Namakkal,
Namakkal District.
- 4.The Tahsildar,
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- 5.The Deputy Taluk Surveyor,
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