



WEB COPY



W.P.No.27083 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.27083 of 2024 and
W.M.P.Nos.29591 and 29592 of 2024

Dhachinamoorthi

... Petitioner

-VS-

1. The District Collector,
O/o.The Collectorate,
Krishnagiri, Krishnagiri District.
2. The District Revenue Officer,
O/o.The Collectorate,
Krishnagiri, Krishnagiri District.
3. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
4. The Assistant Director of Panchayats,
O/o.The Assistant Director of Panchayats,
Krishnagiri, Krishnagiri District.
5. The Deputy Superintendent of Police,
O/o.The Superintendent of Police,
Uthangarai, Krishnagiri District.
6. The Block Development Officer,
Panchayat Union, Uthangarai,
Krishnagiri District.



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7. The Panchayat President,
Singarapettai Panchayat,
Uthangarai, Krishnagiri District.

8. The Tahsildar,
Uthangarai,
Uthangarai Taluk,
Krishnagiri District.

9. The Inspector of Police,
Singarapettai Police Station,
Singarapettai, Uthangarai Taluk,
Krishnagiri District.

10. Sabapathy

... Respondents

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the impugned order in Ref.No.Na.Ka.3704/2024/A2 dated 30.08.2024 passed by the 6th respondent and quash the same.

For Petitioner	:	Mr.T.Arockia Dass
For R1to4 & 6to8	:	Mr.A.Edwin Prabakar State Government Pleader
For R5 & R9	:	Mr.R.Muniyapparaj Addl. Public Prosecutor

ORDER

(By Hon'ble Acting Chief Justice)

This Writ Petition has been filed, seeking to quash the impugned order dated 30.08.2024 passed by the 6th respondent in Na.Ka.3704/2024/A2, in which, notice was issued to the petitioner to dispossess from the property in question.



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2. Mr.A.Edwin Prabakar, learned State Government Pleader takes notice for the respondents 1 to 4 and 6 to 8 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents 5 & 9. Notice to R10 is dispensed with, as no adverse order is going to be passed against him. By consent, the Writ Petition is taken for disposal at the admission stage itself.

3. Learned counsel for the petitioner submitted that despite pendency of Civil Suit instituted before the Subordinate Court, Uthangarai, the 6th respondent has been taking steps to evict the petitioner from the property in question without following due process of law.

4. Learned State Government Pleader contended that by way of communication, the petitioner was asked to appear for enquiry in respect of survey of the property in question.

5. In view of the submission of the petitioner that he had already initiated Civil Suit, we are of the view that the instant Writ Petition is not maintainable before this Court and the same cannot be entertained. Hence, ***this Writ Petition is dismissed.*** The respondent / Panchayat shall proceed in accordance with law by following



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Government Orders, Rules, etc. In the meantime, it is open to the petitioner to pursue

his remedy before the Civil Court for getting an interim order in his favour by placing

all the material documents before the Civil Court to substantiate his case. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

20.09.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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To:

1. The District Collector,
O/o.The Collectorate,
Krishnagiri, Krishnagiri District.
2. The District Revenue Officer,
O/o.The Collectorate,
Krishnagiri, Krishnagiri District.
3. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
4. The Assistant Director of Panchayats,
O/o.The Assistant Director of Panchayats,
Krishnagiri, Krishnagiri District.
5. The Deputy Superintendent of Police,
O/o.The Superintendent of Police,
Uthangarai, Krishnagiri District.



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6. The Block Development Officer,
Panchayat Union, Uthangarai,
Krishnagiri District.

7. The Panchayat President,
Singarapettai Panchayat,
Uthangarai, Krishnagiri District.

8. The Tahsildar,
Uthangarai,
Uthangarai Taluk,
Krishnagiri District.

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Singarapettai Police Station,
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