



WEB COPY



W.P.No.33215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33215 of 2024
and
W.M.P.No.35995 of 2024

G.Patteeswaran

.... Petitioner

Vs

1.The District Collector,
Coimbatore District,
Coimbatore - 641 018.

2.The District Revenue Officer,
Coimbatore District,
Coimbatore - 641 108.

3.The Special Deputy Collector (Revenue),
Tiruchirapalli District,
Tiruchirapalli - 620 001.

4.The Tahsildar,
Anaimalai Post and Taluk ,
Coimbatore District - 642 104.

5.Arulmigu Seetha Ramasamy Devamsam,
Pushpagiri Agraharam, Punkunnam,
Thrissur District, Kerala - 680 002.

.... Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus directing the respondents to refrain themselves from disturbing petitioner's peaceful possession and enjoyment of the property in Survey Nos 446, 446A, 447, 451, 469A, 469C to a total extent of 8.80 acres situated in Kaliyapuram villagae, Anaimalai Taluk, Coimbatore District, till the pending disposal of the above mentioned proceedings in A.S.C.FR. 16004 of 2024 pending on the file of the Principal District Court, Coimbatore.

For Petitioner : Mr.Aravind J.

For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

ORDER

The above writ petition is filed for the following relief :

Praying to direct the respondents to refrain themselves from disturbing the peaceful possession and enjoyment of the property comprised in Survey Nos.46, 446A, 447, 451, 469A, 469C admeasuring 8.80 acres situated at Kaliyapuram Village, Anaimalai Taluk, Coimbatore District, till the pending disposal of the proceedings in ASCFR No. 16004 of 2024 on the file of the Principal District Court, Coimbatore.



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2. The proceedings emanate under the Tamil Nadu Cultivating Tenants Protection Act. The petitioner's contention is that the land, which belong to the fifth respondent temple, was being enjoyed by the petitioner's grandfather Krishnasamy Pillai from the year 1960. On his death, the property was enjoyed by the petitioner's father Gurusamy Pillai and on the death of Gurusamy Pillai, the petitioner, his brother and mother were in continuous possession and enjoyment of the property by cultivating the same. They were also paying yearly rent of Rs.45,000/- to the fifth respondent.

3. While so, proceedings were initiated by the fifth respondent for evicting the petitioner and his family from the petition premises in O.P.No.214 of 2014 before the Special Deputy Collector (Revenue), Tiruchirapalli. The said petition was allowed without reference to the defence put forward to the petitioner and the petitioner was granted seven days time to vacate and handover the possession to the fifth respondent. The order came to be passed on 24.06.2024. The petitioner has filed an appeal against the said order with a delay and the same is registered as



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A.S.C.FR No. 16004 of 2024 on the file of the Principal District Court, Coimbatore and the said appeal is pending disposal before the learned Judge. While so, the grievance of the petitioner is that the respondents 2 and 4 are forcibly trying to evict the petitioner from the property without following due process of law. Therefore, he come forward with the present writ petition.

4. Heard the learned counsels on the either side and perused the records.

5. Considering the fact that the impugned order of the original authority had been passed on 24.06.2024 against which an appeal has been filed and pending before the Principal District Court, Coimbatore, no doubt with a delay, the respondents cannot take law on the hands and try to evict the respondents except in the manner known to law even if the original petition has been allowed against the petitioner. The petitioner has availed the appeal remedy and the same is pending disposal, however in a condone delay stage.



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6. The petitioner had submitted that the stay petition will not be entertained in a condone delay stage. Therefore, taking into account the above, the writ petition is allowed and a mandamus is issued to the respondents not to disturb the possession of the petitioner till the petition seeking condonation of the delay in filing the appeal is disposed of by the Principal District Court, Coimbatore in A.S.C.FR No.16004 of 2024. Once the appeal is numbered, the stay granted by this Court would automatically come to an end and the petitioner is directed to move the District Court for appropriate orders. The Principal District Judge, Coimbatore, is requested to dispose of the said ASCFR No.16004 of 2024, within a period of two months from the production of the order copy before the Court or its receipts.

7. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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P.T. ASHA, J,

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