



W.P.No. 37795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 37795 of 2024

A. Ram Kumar

... Petitioner

Vs

1. Tahsildhar,
Udumalaipettai,
Tiruppur District.

2. V.Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent not to conduct enquiry with respect to S.F.No. 39/1, Bogigowndan Thasarpatti Village, which is the subject matter in the suits in O.S.No. 158 of 2023 on the file of Munsif Court at Udumalaipet and O.S.No. 391 of 2023 on the file of Sub Court at Udumalaipet.

For Petitioner

: Mr.Vishnu Prasath
M/s.Sarvabhauman Associates

For R1

: Mr.G.Velu
Additional Government Pleader



W.P.No. 37795 of 2024

ORDER

WEB COPY

This writ petition is filed with a prayer directing the first respondent not to conduct the enquiry with respect to S.F.No.39/1, Bogigowndan Thasarpatti Village, which is the subject matter of suits in O.S.No.158 of 2023 on the file of the Munsif Court at Udumalaipet and O.S.No.391 of 2023 on the file of the Sub Court at Udumalaipet.

2. Mr.Vishnu Prasath, the learned counsel appearing on behalf of the petitioner would submit that the petitioner had purchased the above lands. While so, the second respondent herein, has claimed easementary rights with reference to the irrigation channel and the above suits are already pending before the appropriate Civil Court.

3. Meanwhile, the second respondent seems to have sent a petition to the first respondent, who has now started an enquiry with reference to the same. The matter is absolutely civil in nature and is not governed by any statutory enactment or Government order. In view thereof, it is for the Civil Court to decide the claims of the petitioner as well as the second respondent



W.P.No. 37795 of 2024

and there is no scope for any enquiry by the first respondent Tahsildar in this regard.

4. In view of the aforementioned argument, considering the limited nature of the prayer which is made and without ordering notice to the private respondent, at the admission stage itself, this Court directed the Additional Government Pleader to get instructions from the first respondent. The first respondent has submitted written instructions to the learned Additional Government Pleader in this regard. The relevant portion of the written instructions is extracted hereunder:

“4) After the receipt of the communication regarding the enquiry, Thiru. P Rajesh, S/o. Ponmudi and Thiru. A. Ramkumar, S/o. Arjun Kumar have submitted a petition with an attachment of copy of O.S. 158/2023 stating that, an Original Suit No. 158/2023 is being pending at Munsif court Udumalaipettai filed by Thiru. Murugan S/o. Veluchamy for the same subject and requested to stop the enquiries until the orders issued in this regard by the Munsif Court Udumalaipettai.

5. It is further submitted that the enquiry which was scheduled to be conducted on 12.11.2024 was cancelled and no further enquiry was conducted until now. Hence, for the



WEB COPY



W.P.No. 37795 of 2024

reasons stated above, the Honourable Court may be pleased to dismiss the writ petition and thus render justice.”

5. In view thereof, since it is submitted that the enquiry which was slated to be conducted on 12.11.2024 has been cancelled and no further enquiry has been conducted until now, the same is recorded. Since the respondent also does not propose to conduct any further enquiry, recording the same, the writ petition is disposed of. No costs.

20.12.2024

Neutral Citation: Yes/No
nsl

To

Tahsildhar,
Udumalaipettai,
Tiruppur District.



WEB COPY



W.P.No. 37795 of 2024

D.BHARATHA CHAKRAVARTHY, J.

nsI

W.P.No. 37795 of 2024

20.12.2024