



W.P.(MD) No.19258 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.19258 of 2013
and M.P.(MD) No.1 of 2013**

Jamaludeen

... Petitioner

-VS-

1.The Revenue Divisional Officer,
Trichy District.

2.The Tahsildar,
Lalgudi Taluk,
Trichy District.

3.Rahmath Pallivasal, Mandurai
by its Muthawalli / President S.M.Sulaimaan,
S/o. Mohamed Abdul Khader,
Main Road Mandurai,
Lalgudi Taluk,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records in Na.Ka.A4/100/2013 dated



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02.08.2013 and the order followed dated 22.08.2013 on the file of the 2nd respondent and quash the same as illegal, ultra vires and unconstitutional and consequentially restrain the respondents from in any way interfering with the peaceful possession and enjoyment of the 9 Cents land along with shop building bearing Survey No.48/8 situate at Nerinjalakudi Village, Lalgudi Taluk, Trichirappalli District.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1 & R2

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the proceedings of the second respondent in Na.Ka.A4/100/2013, dated 02.08.2013, and the consequential order dated 22.08.2013 and consequently, sought a direction to restrain the respondents from in any way interfering with the petitioner's peaceful possession and enjoyment of the 9 cents land along with shop building bearing Survey No.48/8 situate at Nerinjalakudi Village, Lalgudi Taluk, Trichirappalli District.



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2. The entire issue revolves around the property bearing S.No.48/8, Nerinjalakudi Village, Lalgudi Taluk, Trichirappalli District, measuring an extent of 0.09 cents, which according to the petitioner, belongs to him. He also filed a suit in O.S.No.145 of 1990 on the file of the Sub Court, Trichirappalli, for declaration of title and for consequential permanent injunction. The said suit was transferred to the District Munsif Court, Lalgudi and renumbered as O.S.No.525 of 1996. The aforesaid suit came to be decreed in favour of the petitioner on 28.02.2011 and an application has been filed by the tenant / third respondent to set aside the exparte decree dated 28.02.2011 along with an application to condone the delay and in the meantime the second respondent has passed the impugned order by recording the statements of both parties made in the peace committee meeting, convened by the second respondent. He also stated that the said decision taken by both the parties will be subject to the result of the final judgment to be passed by the Civil Court in the aforesaid suit.

3. According to the petitioner, he is not aware of the stage of the application filed before the civil Court. Recording the statements of both sides, the impugned order has been passed and it is also subject to the outcome of the



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decision of the civil Court. Therefore, unless the civil Court decree is modified or reviewed the said decree dated 28.02.2011 is binding on both parties. If the said decree has become final, it is open to the petitioner to seek appropriate remedy either before the jurisdictional Court or the authorities concerned.

4. With the above observations, the Writ Petition is disposed of. No costs.

[D.K.K., J.] [R.V., J.]
02.01.2024

Index : Yes / No
Internet : Yes / No
SJ

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and
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