



W.P(MD)No.3670 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3670 of 2024

and

W.M.P.(MD)Nos.3393, 3594 and 3595 of 2024

S.Ghouse Yacoob Hussain

... Petitioner

Vs.

1.The Competent Authority,
District Revenue Officer,
Madurai.

2.The Tahsildar,
O/o. The Tahsildar,
Madurai North Taluk,
Madurai.

3.S.Deivendran

... Respondents

*(R3 is impleaded vide order dated 21.02.2024
in W.M.P.(MD)No.3824 of 2024 in
W.P.(MD)No.3670 of 2024 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent vide Na.Ka.No.6192/2021/C2, dated 29.01.2024 and quash the same and



W.P(MD)No.3670 of 2024

consequential direction, forbearing the respondents from interfering with possession and enjoyment of the premises in Door No.29, P.T.Rajan Road, Madurai.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mrs.P.Yasmin Begum for R3.

ORDER

Heard both sides.

2.The petitioner challenges the impugned communication dated 29.01.2024 on the grounds set out in the affidavit filed in support of the writ petition.

3.The learned counsel for the petitioner states that the petition mentioned property was purchased by the petitioner herein and that it has been unfairly attached in the proceedings initiated under TNPID Act. The petitioner comes forward to deposit a substantial sum representing the market value of the property so that the petitioner is not ejected therefrom.



W.P(MD)No.3670 of 2024

WEB COPY

4.The learned Additional Government Pleader as well as the learned counsel for the impleaded respondent stoutly opposed the said prayer. The learned counsel for the impleaded respondent states that the petitioner is not residing in the petition mentioned property.

5.What is under challenge is an interdepartmental communication. The Tahsildar, Madurai North Taluk has called upon the Inspector of Police, Tallakulam Police Station to provide police protection for taking possession of the petition mentioned property. In my view, such communication is not amenable to challenge. The petitioner will have to secure relief only at the hands of the Special Court constituted under TNPID Act. The petitioner filed I.A.No.14 of 2024 in I.A.No.3 of 2022 in O.A.No.23 of 2012. The petitioner also secured interim relief initially. It is for the petitioner to persuade before the trial Court to grant him ultimate relief. In fact, C.R.P.(MD)No.260 of 2024 filed by the petitioner was disposed of by a learned Judge of this Court with a direction for disposal of the aforesaid I.A. within 15 days from the date of receipt of a copy of that order. In these circumstances, invocation of the writ jurisdiction itself is misconceived.



W.P(MD)No.3670 of 2024

6. Granting liberty to the petitioner to workout his rights before the jurisdictional Special Court, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

21.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 22.02.2024.

To:

1. The Competent Authority,
District Revenue Officer,
Madurai.

2. The Tahsildar,
O/o. The Tahsildar,
Madurai North Taluk,
Madurai.



WEB COPY



W.P(MD)No.3670 of 2024



WEB COPY



W.P(MD)No.3670 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.3670 of 2024

21.02.2024
(2/2)