



W.P.(MD) No.12400 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.12400 of 2024
and
W.M.P.(MD) Nos.10980 to 10982 of 2024**

Pothiraja

... Petitioner

/vs./

1.The District Collector,
Madurai.

2.The District Revenue Officer,
Madurai.

3.The Tahsildar,
Vadipatti,
Kallanai Village,
Madurai.

4.The Ramasamy Ayyar Annathana Chatram,
rep. by its Administrator or Inspector,
Avvanayapuram,
Madurai District.

5.The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash impugned order passed by the 2nd respondent in Na.Ka.No.185/J5/2020 dated 07.12.2022 and consequently restraining respondents and their men, servants or agents or any one claiming through them in any manner interfering with the petitioner's peaceful possession and enjoyment of property in the R.S.No.228/1, 44 Kallanai Village, Vadipatti Block admeasuring 62 cents until disposal suit in O.S.No.47 of 2023 on the file of District Munsif Court, Vadipatti.

For Petitioner : Mrs.M.Rajeswari

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mrs.M.Rajeswari, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 to 3.

2.The petitioner has filed this Writ Petition for a Writ of Certiorarified Mandamus to quash impugned order passed by the second respondent in Na.Ka.No.185/J5/2020 dated 07.12.2022 and to restrain the respondents and their men, servants or agents or any one claiming through them in any manner



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interfering with the petitioner's peaceful possession and enjoyment of the property in R.S.No.228/1, 44 Kallanai Village, Vadipatti Block measuring an extent of 62 cents until the disposal of the suit in O.S.No.47 of 2023 on the file of District Munsif Court, Vadipatti.

3.It is informed by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 that despite a suit filed by the petitioner in O.S.No.47 of 2023 before the District Munsif Court, Vadipatti for declaration that the property was purchased by the petitioner's brother on 29.06.1991, which was settled in favour of the petitioner by settlement deed dated 20.08.2018, the respondents are interfering with the land based on the impugned order of the second respondent/the District Revenue Officer, Madurai dated 07.12.2022 bearing Ref.Na.Ka.No.185/J5/2020.

4.The learned counsel for the respondents 4 and 5 would submit that in the suit, the petitioner has filed I.A.No.4 of 2024 and that the counter is ready and therefore, interim protection can be extended for a period of two weeks, as the case is likely to be heard on 14.06.2024.



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5.The petitioner ought to have filed a Civil Revision Petition under Article 227 of the Constitution of India, if the petitioner felt that before the lower Court, the respondents were taking time to defeat the rights of the petitioner.

6.Since the learned counsel for the respondents 4 and 5 submits that the counter is ready and the counter will be filed on the next date of hearing ie., on 14.06.2024, I am inclined to dispose of this Writ Petition by protecting the interest of the petitioner for a period of two weeks from today. The respondents 4 and 5 shall not interfere with the possession of the petitioner, if the petitioner is already in enjoyment of the property until such time.

7.The learned District Munsif, Vadipatti shall dispose of I.A.No.4 of 2024 filed by the petitioner in O.S.No.47 of 2023 as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a copy of this order. Pending such order, there shall be no further disturbance.



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8. With the above directions, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No

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Internet : Yes / No

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Note: Registry is directed to communicate this order to the learned District

Munsif, Vadipatti.

To

1. The District Collector,
Madurai.
2. The District Revenue Officer,
Madurai.
3. The Tahsildar,
Vadipatti,
Kallanai Village,
Madurai.



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C.SARAVANAN, J.

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