



W.P.(MD) No.7863 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.7863 of 2018
and
W.M.P.(MD) No.7442 of 2018**

N.Shanmugaraj

... Petitioner

/vs./

- 1.The District Collector,
Tuticorin,
Tuticorin District.
- 2.The District Revenue Officer,
Tuticorin,
Tuticorin District.
- 3.The Superintendent of Police,
Tuticorin,
Tuticorin District.
- 4.The Tahsildar,
Taluk Office, Kayathar,
Tuticorin,
Tuticorin District.

5.Sangli Pandi

... Respondents



W.P.(MD) No.7863 of 2018

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from initiating any further action with the petitioner's peaceful possession and enjoyment or evicting the petitioner's property bearing Survey No.289 to an extent of 10 acres and 40 cents, out of a total extent of 20 acres and 80 cents situated in Chettikurichi Village, Kayathar Taluk, Tuticorin District.

For Petitioner : Mr.S.Kadarkarai

For R1, R2 & R4 : Mr.B.Saravanan
Additional Government Pleader

For R3 : Mr.M.Vaikam Karunanithi
Government Advocate

ORDER

The writ petition has been filed for the issue of a Writ of Mandamus forbearing the respondents from initiating any further action with the petitioner's peaceful possession and enjoyment or evicting the petitioner from the property bearing Survey No.289 to an extent of 10 acres and 40 cents, out of an total extent of 20 acres and 80 cents situated in Chettikurichi Village, Kayathar Taluk, Tuticorin District.



WEB COPY

W.P.(MD) No.7863 of 2018

2. Even according to the petitioner, the joint family property in S.No.289 has been sold by his father, Nagaraj and his uncle, Kalyanadurai to one Justin Devadoss, who was running a Company in the name and style of JBJ City Developers Limited, Tuticorn. The said Company was involved in financial impropriety and had swindled huge amounts of public money, as a result of which the Government had ordered an attachment of all the properties owned by the said Company in terms of Section 3 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, namely the TNPID Act.

3. One of the properties that has been attached is also the property in question. The suit O.S.No.40 of 2011 filed by one of the brothers of the petitioner's father is pending on the file of the Sub Court, Kovilpatti for partition. The properties have been brought to the sale in a public auction in the TNPID proceedings and the fifth respondent was the successful bidder. The petitioner and his sisters had filed another suit O.S.No.183 of 2017 for declaration to annul the auction held on 20.07.2017. The petitioner would complain that the fifth respondent is attempting to interfere with his peaceful possession and enjoyment



W.P.(MD) No.7863 of 2018

of the suit property and therefore, the writ petition has been filed for the aforesaid relief.

4. Heard the learned counsel on either side.

5. The petitioner cannot seek relief against the private party in a writ proceedings. That apart, the issue is already pending before the Civil Court and it is well open to the petitioner to move the civil Court for orders instead of filing the above writ petition. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

25.09.2024

mm

To

1.The District Collector,
Tuticorin,
Tuticorin District.

4/6



W.P.(MD) No.7863 of 2018

WEB COPY

- 2.The District Revenue Officer,
Tuticorin,
Tuticorin District.
- 3.The Superintendent of Police,
Tuticorin,
Tuticorin District.
- 4.The Tahsildar,
Taluk Office, Kayathar,
Tuticorin,
Tuticorin District.



WEB COPY



W.P.(MD) No.7863 of 2018

P.T.ASHA, J.

mm

W.P.(MD) No.7863 of 2018

25.09.2024