



W.P.(MD) No.5122 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.5122 of 2017
and
W.M.P(MD)No.4115 of 2017

K.Sumathi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
Gujiliyam Parai Union,
Vedasanthur,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from evict the petitioner from his land in S.No.1882/2 at R.Kombai Village, Vedasanthur Taluk, Dindigul District due process of law Court.

For Petitioner : Mr.A.Chandrakumar



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For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Mandamus forbearing the respondents from evicting the petitioner from his land in S.No.1882/2 at R.Kombai Village, Vedasanthur Taluk, Dindigul District.

2. From a perusal of the affidavit filed in support of the writ petition, it appears that the petitioner has filed a suit in O.S.No.27 of 2007 on the file of the District Munsif, Vedasanthur, in which he has sought an interim injunction by filing I.A.No.57 of 2007 and interim injunction has also been granted in his favour on 06.09.2007. It is also stated that the 2nd respondent had attempted to lay a road despite the interim injunction and contempt notice was issued to the respondents. Even thereafter, there was no letting up by the 2nd respondent who had stated that he would proceed to measure the land. Therefore, the writ petition has been filed forbearing the respondents from proceedings to measure the land for laying the road.



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3. The writ petition is allowed taking note of the fact that the injunction has been made absolute by the District Munsif, Vedasanthur in I.A.No.57 of 2007 in O.S.No.27 of 2007, the respondents shall comply the said order and not initiate any attempts to lay a road in the said property till the disposal of the suit. In case the suit is disposed of, appropriate action can be taken by the respondents.

4. With the said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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Dindigul District,
Dindigul.

2.The Block Development Officer,
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Vedasanthur,
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P.T.ASHA, J.

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