



WEB COPY

W.A No. 1892 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WA No. 1892 of 2025 and
CMP No.14442 of 2025**

1. BHAGAVANTHU

S/o. Late Adimoola Naicker, No.4/48,
Mariamman Koil Street, Rasapalayam,
Thukkanampakkam Post, Cuddalore Tk
and Dist - 607 402.

2. Bharathi @ Saravanamurugan

S/o. Bhagavanthu, No.4/48,
Mariamman Koil Street, Rasapalayam,
Thukkanampakkam Post, Cuddalore Tk
and Dist - 607 402.

3. Tamilarasan

S/o.Bhagavanthu, No.4/48, Mariamman
Koil Street, Rasapalayam,
Thukkanampakkam Post, Cuddalore Tk
and Dist - 607 402.

4. B.Shankar

S/o.Bhagavanthu, No.4/48, Mariamman
Koil Street, Rasapalayam,
Thukkanampakkam Post, Cuddalore Tk
and Dist - 607 402.

5. S.Srinivasan

S/o. Seetharaman Mariamman koil
Street, Rasappalayam,
Thukkanampakkam Post, Cuddalore
Taluk and District Tamil nadu 607 402

Appellant(s)



Vs

1. T. Kuppusamy

S/o. Late, Thiruvengadam, 83,
Mariyamman Koil Street,
rasappalayam, Thukkanampakkam Post
Cuddalore taluk and District, Tamil
Nadu 607 402.

2. The Dist. Collector
Cuddalore Dist., Cuddalore.

3. The Sub Collector
Cuddalore.

4. The Tahsildar
Taluk Office, Cuddalore

5. The Block Development Officer
Cuddalore Panchayat Union,
Cuddalore.

Respondent(s)

PRAYER Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 24-03-2025 passed in WP.No.30470 of 2019, on the file of this Honble Court.

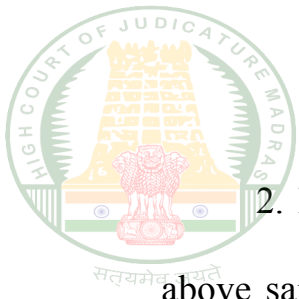
For Appellant(s): Mr. Gururaj For Mr. D. Baskar

For Respondent(s): Mr. M. Venkateswaran,
Special Government Pleader
For R2 To 5.

ORDER

(Order of the Court was made by J. Nisha Banu J.)

This writ appeal has been filed to set aside the order passed by this court in W.P.No.30470 of 2019, dated 24.03.2025.

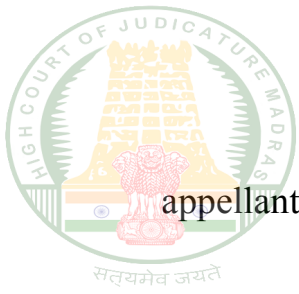


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2. It is seen from the records that, the first respondent herein filed the above said writ petition seeking a direction to the official respondents 2 to 5 herein to construct an over head water tank in the location at New R.S.No.33/9c corresponding to old R.S.No.16/8, where already motor with water pipe located for drawal of ground water for drinking water supply to the villagers at Rasapalayam Village, Thukkanampakkam Village Panchayat, Cuddalore Taluk and District.

3. The appellants contended before the writ court that the land, in which the first respondent/writ petitioner sought to construct an over head water tank was originally belonged to their grandmother Unnamalai Ammal and hence, they are claiming right over the said land. Further, the records shows that civil dispute is pending between the appellants and the respondents with regard to the said disputed land.

4. After hearing both side counsel and perused the materials on record, the learned Single Judge observed that the pendency of the civil suits, which have been instituted by the private respondents/appellants herein either against the petitioner (first respondent herein) or against the fourth respondent/ Block Development Officer, Cuddalore Panchayat Union, is not relevant for the present, in the absence of any interim order of the civil courts and hence, allowed the writ petition as prayed for. Aggrieved by the said order, the



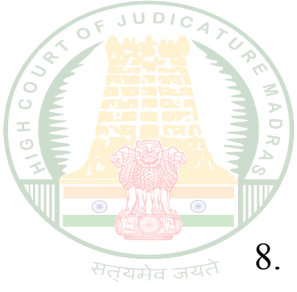
appellants filed the present appeal.

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5. A perusal of the records shows that civil suits in O.S.Nos.121 of 2019 and 175 of 2019 are pending between the appellants and the respondents, with regard to the suit property (disputed land) before the learned District Munsif, Cuddalore and the same are at Trial Stage.

6. The learned counsel for the appellants submitted that, since civil suits are still pending between the appellants and the respondents, it is suffice to give a direction to the civil court to dispose of the suits, within a time frame as fixed by this court and to that effect, he is restricted his claim in the present writ appeal.

7. Considering the submissions made by the learned counsel for the appellants and also taking into account the factum of pendency of the civil suits before the Trial Court, the learned District Munsif, Cuddalore is directed to dispose of the suits in O.S.No.121 of 2019 and O.S.No. 175 of 2019 in accordance with law, within a period of six months from the date of receipt of copy of this order. It is needless to say that the parties must abide by the outcome of the civil suits.



8. With the above observations and directions, this writ appeal is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)
30-06-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

To

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