



W.P.(MD)No.2480 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.2480 of 2025

P.Sureshkumar ... Petitioner
/Vs./

1. The District Revenue Officer

Tenkasi District,
Tenkasi.

2. The Tahsildar

Puliyankudi Taluk,
Tenkasi District.

3. Sivagnanapandi

4. Kottur

5. Amirtharaj

6. Paulraj

7. Guruvaiah

8. Mohanraj

9. Senthilkumar ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1, 2 and 5 to 9, do not restrain the petitioner from operating the Hindustan Petrol Bunk



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comprising in Survey no. 264/1 to an extent of 34 cents situated at Puliyanakudi Municipality, Kadayanallur Taluk, Tenkasi District, till disposal of the suit in O.S.No. 135/2022 pending on the file of the Learned Principal District Munsif Sivagiri Tenkasi District and consider the petitioner's representation dated 13.01.2025.

For Petitioner : Mr.Kannan Gurusami

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader

ORDER

This writ petition has been filed for a direction, forbearing the respondents 1, 2 and 5 to 9, do not restrain the petitioner from operating the Hindustan Petrol Bunk, comprised in Survey No. 264/1, to an extent of 34 cents, situated at Puliyanakudi Municipality, Kadayanallur Taluk, Tenkasi District, till disposal of the suit in O.S.No.135 of 2022 pending on the file of the Learned Principal District Munsif, Sivagiri, Tenkasi District, and consider the petitioner's representation dated 13.01.2025.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The petitioner was granted licence from Hindustan Petroleum Corporation Limited, to operate retail outlet on 11.01.2024, comprised in Survey No. 264/1, to an extent of 34 cents, situated at Puliyankudi Municipality, Kadayanallur Taluk, Tenkasi District. Originally such outlet was operated by one Durai Raj by taking lease of the subject property from Pandutharars of Devendrakula Vellalar Community dated 12.01.2012. After demise of the said Durai Raj, one Tiruppathi obtained licence and operated the petrol bunk. After his demise, his son, viz., Dinesh obtained licence and was running petrol bunk. The said Dinesh is none other than the cousin brother of the petitioner and he entered into an agreement for lease with the above Pandutharars on 07.02.2022. The said Dinesh also entered into the agreement with the petitioner to operate petrol bunk on 04.05.2023. While being so, the respondents 5 to 9 interfering the peaceful possession and enjoyment of the subject property and running the petrol bunk by the petitioner. Therefore, the petitioner also filed a suit in O.S.No.135 of 2022 on the file of the Principal District Munsif, Sivagiri, Tenkasi District and it is pending for adjudication.



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In view of the dispute in respect of the ownership of the subject property, the petrol bunk is not functioning and it is closed. Therefore, the prayer sought for in this writ petition restraining the respondents 5 to 9 from interfering with the peaceful possession and functioning of the petrol bunk cannot be granted. That apart the petitioner already filed a suit and it is pending on the file of the Principal District Munsif, Sivagiri, Tenkasi District, for adjudication.

In view of the above, this Writ Petition is devoid of merit and the same is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. It is also made clear that the civil suit is pending between the petitioner and the respondents 5 to 9 and as such, the respondents 1 and 2 have no role to play in the civil suit between the petitioner and the respondents 5 to 9 herein. No costs.

29.01.2025

Index : Yes / No
NCC : Yes / No
LS



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G.K.ILANTHIRAIYAN, J.

LS

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