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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2012

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.14816 of 2011

and

M.P. (MD) Nos.1 and 2 of 2011

M.Sulaika Bevi

: Petitioner

Vs.

1.The District Revenue Officer,
O/o.Ramanathapuram District Revenue Officer,
Ramanathapuram Collectorate, Ramanathapuram.

2.The Tahsildar,
Thiruvadanai Taluk, Thiruvadanai.

3.Mr.Dharmaraj

4.M.Sulaika Ammal

: Respondents

(R4 impleaded as per order dated
31.01.2012 made in W.P. (MD) 1 of 2012

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, forbearing the respondents and their subordinates from evicting the petitioner and his family members in the house sites in Survey No.304/30 to the extent of 00064 Sq.Mt. and in Survey No.304/1 to the extent of 00066 Sq.Mt. Situated in Marungoor Group, S.P.Pattinam Village, Thiruvadanai Taluk, Ramanathapuram District which is the subject matter of the original suit in O.S.No.57 of 2003, on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District and further direct the first respondent to take necessary action on the petitioner's representation dated 07.08.2011.

For Petitioner

: Mr.R.R.Thamothar Raj

For Respondents

: Mr.M.Alagathevan

for RR1 and RR2

Mr.N.Anandkumar for R4

**ORDER**

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The petitioner seeks a writ of mandamus, directing the respondents not to evict her and her family members from the property in Survey No.304/30 to the extent of 00064 Sq.Mt. and in Survey No.304/1 to the extent of 00066 Sq.Mt. situated in Marungoor Group, S.P.Pattinam Village, Thiruvadanai Taluk, Ramanathapuram District which is the subject matter of the original suit in O.S.No.57 of 2003, on the file of District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

2.According to the petitioner, she along with her children are in possession and enjoyment of the property which is the subject matter of this writ petition. The petitioner along with her family members, filed a suit in O.S.No.57 of 2003 praying for a decree of permanent injunction and the suit was decreed on 14 July 2006. The judgment and decree in O.S.No.57 of 2003 has become final. However, without complying with the judgment and decree, the defendants in O.S.No.57 of 2003, initiated certain proceedings for eviction, which made the petitioner to file the present writ petition.

3.I have heard the learned counsel for the parties.

4.It is the grievance of the petitioner that she has obtained a civil Court decree in O.S.No.57 of 2003. In case, the civil Court has granted a decree in her favour, it is always open to her to execute the said decree in the manner known to law. Similarly, in the event any action taken by the respondents to evict her from the property, she can very well approach the concerned Court. The writ petition is not the remedy in matters relating to eviction. Such matters require consideration of evidence. Appreciation of evidence is not possible in a writ petition filed under Article 226 of

