

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

C O R A M:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No. 1678 of 2015

C. Virshabadoss

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Appellant

Vs

1. C. Baskaran

2. A. Sumathi

3. Revenue Divisional Officer,
Tindivanam 604 001.

4. C. Gaandharvai Ammal

5. Samuthira Vijayan

6. A. Kamala

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Respondents

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 19.03.2015 passed in W.P. No. 630 of 2013.

Prayer in WP.No.630/13: To issue a Writ of Certiorari to call for the concerned records from the 1st respondent and quash the order of the 1st respondent dated 28.09.2012 in Case No.A2/4309/10 as illegal arbitrary, without jurisdiction and Contrary to law.

For appellant : Mr. R. Udayakumar

For respondents : Mr. Balan Haridass

J U D G M E N T

(Delivered by SATISH K. AGNIHOTRI, J.,)

The appellant/ 4th respondent in the writ petition, feeling aggrieved by the observation made by the learned single Judge to maintain status quo on the date of the interim order passed on 11.01.2013 in respect of possession of the property in question, has come up with the instant intra-court appeal.

2. According to the learned counsel for the appellant, the status quo in respect of possession of the property ought to have been given as on the date of the death of appellant's mother viz., C. Gandharvai Ammal. The observation made by the learned single Judge would have bearing on the adjudication to be made by the appropriate forum.

3. On the other hand, the learned counsel appearing for the respondents 1 and 2 herein / writ petitioners would submit that the status quo in respect of possession of the property was directed to be maintained as on the date when the interim order was passed by the learned single Judge even after disposal of the writ petition. The said status quo was directed to be continued till the parties approach the appropriate forum for necessary interim direction/ adjudication, if any. It is further observed that the direction of the status quo does not create any equity or right in favour of either party.

4. We have examined the facts and perused the pleadings appended thereto.

5. In view of the submissions made by the learned counsel for the parties, we are of the considered view that the status quo was rightly granted on the date when the interim order was granted by the learned single Judge. It is just and proper to continue the same till the parties approach the appropriate forum for necessary direction/adjudication. We further made it clear that the grant of status quo does not confer any equity or right on either party to be considered and adjudicated by the appropriate forum, if any.

In the result, this writ appeal stands dismissed. No costs. MP.No.1 of 2015 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

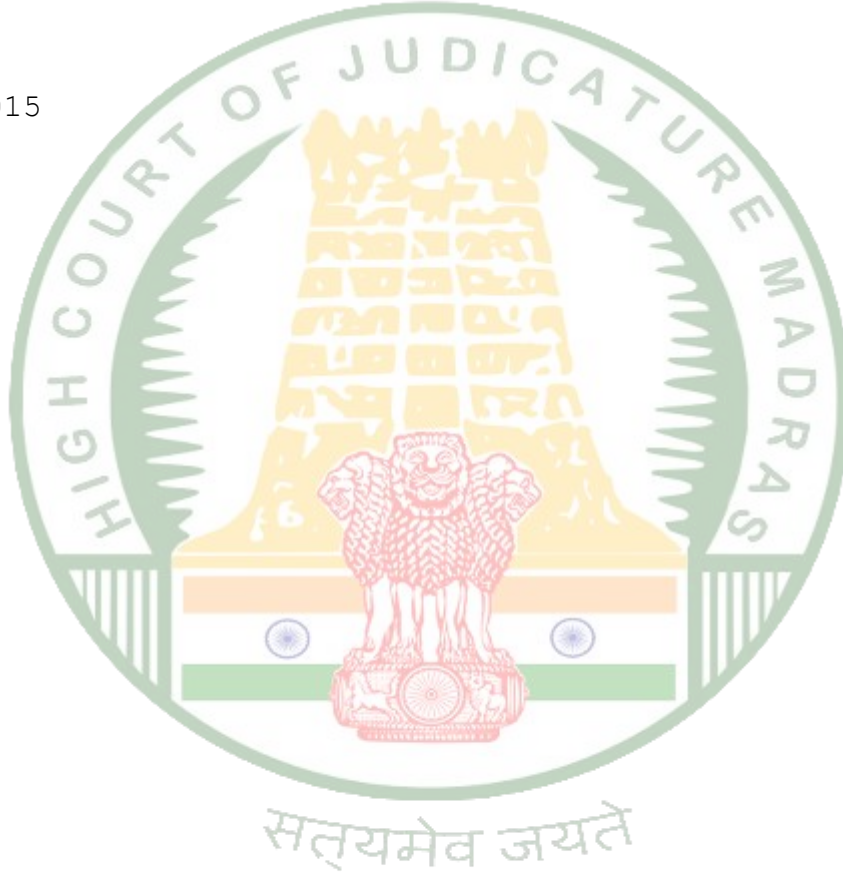
1. The Revenue Divisional Officer,
Tindivanam 604 001.

+1 cc to Mr.Balan Haridass Advocate sr.65145

+1 cc to Mr.R.Udayakumar, Advocate sr.65441

W.A. No.1678 of 2015

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