

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6311 OF 2017
(Arising out of S.L.P.(Civil)No.23684 of 2014)

S.Shanmugam ...Appellant

VS.

State of Tamil Nadu and Ors. ...Respondents

WITH

CIVIL APPEAL NO.6312 OF 2017
(Arising out of S.L.P.(Civil)No.23839 of 2014)

O R D E R

Leave granted.

We have heard Dr. Rajeev Dhawan, Mr. Guru Krishna Kumar, learned senior counsel appearing for the appellants, Mr. Subromonium Prasad, learned senior counsel appearing for the respondent-State of Tamil Nadu and perused the impugned judgment and order passed by the High Court which is under challenge before this Court.

From perusal of the record, we find that the appellants have placed enough material before this Court which was also before the High Court to prove their case that the documents are neither fabricated nor any fraud

has been committed. However, instead of going into the merits of the case, the Division Bench simply relegated the appellants herein to avail the remedy of filing civil suit on the ground that these are all disputed questions of fact which cannot be gone into in the Writ Appeal.

It is pertinent to mention here that the learned Single Judge, in exercise of his jurisdiction under Article 226 of the Constitution of India, had gone into these questions whether rightly or wrongly. If the learned Single Judge had gone into these questions, it was incumbent upon the Division Bench, while hearing the Writ Appeal, to decide the matter on merits instead of relegating the appellants to avail the remedy of filing civil suit.

We, therefore, set aside the impugned judgment and order dated 4th March, 2014 passed by the Division Bench of the Madras High Court and remand them to the High Court to decide the Writ Appeals expeditiously on merits in accordance with law, preferably within two months from 1st June, 2017.

We, however, clarify that if any action has been taken by the respondents for changing the nature of the land or any construction has been made, that will subject to the decision of the Writ Appeals by the Division Bench.

The appeals succeed and are allowed in the above terms.

Pending applications also stand disposed of.

.....J.
[R.K. AGRAWAL]

.....J.
[ABHAY MANOHAR SAPRE]

New Delhi;
May 3, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 23684/2014

(Arising out of impugned final judgment and order dated 04/03/2014 in WA No. 866/2013 passed by the High Court of Judicature at Madras)

S SHANMUGAM

Petitioner(s)

VERSUS

STATE OF TAMIL NADU AND ORS

Respondent(s)

(With appln. (s) for exemption from filing O.T. and permission to file additional documents and interim relief and office report)
(For final disposal)

WITH

SLP(C) No. 23839/2014

(With appln. for exemption from filing O.T. and Office Report)

Date : 03/05/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Dr. Rajeev Dhawan, Sr. Adv.
Mr. Guru Krishna Kumar, Sr. Adv.
Mr. P. Vinay Kumar, Adv.
Mr. A.P. Sinha, Adv.

For Respondent(s) Mr. Subramonium Prasad, Sr. Adv.
Mr. B. Balaji, Adv.
Ms. Ila Haldia, Adv.
Mr. Vairawan A.S., Adv.
Mr. S. Kumar, Adv.

Mr. Parijat Sinha, Adv.

Mr. Shuvodeep Roy, Adv.
Mr. Sayooj Mohandas M., Adv.

Mr. Raja Chatterjee, Adv.
Mr. Chanchal Kumar Ganguli, Adv.
Mr. Piyush Sachdev, Adv.
Mr. Runa Bhuyan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed
order.

(Anita Malhotra)
Court Master

(Chander Bala)
Court Master

(Signed order is placed on the file.)