



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2013

CORAM:

THE HONOURABLE MR.JUSTICE R.SUDHAKAR  
AND

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN  
W.P.(MD).No.20824 of 2013  
and  
M.P.No.1 of 2013

V.Thirupathi

: Petitioner

Vs.

1.The District Collector,  
Madurai District, Madurai.

2.The Revenue Divisional Officer,  
Revenue Divisional Office, Madurai.

3.The Tahsildar,  
Vadipatti, Madurai District.

4.The Executive Officer,  
Vadipatti Town Panchayat,  
Town Panchayat Office,  
Vadipatti, Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the fourth respondent in Na.Ka.No.60/2013, dated 17.12.2013, insofar as the petitioner is concerned and quash the same.

For Petitioner : Mr.S.K.Gokul

For Respondent Nos.1to3 : Mr.C.Selvaraj  
Special Government Pleader

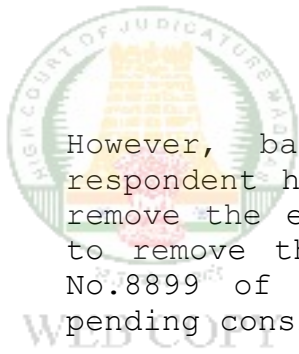
For Respondent No.4 : Mr.N.S.Karthikeyan  
Additional Government Pleader

**O R D E R**  
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[Order of the Court was made **S.VAIDYANATHAN, J.**]

The Writ Petition has been filed seeking to quash the order of the fourth respondent dated 17.12.2013.

2. The case of the petitioner is that the lands in Survey Nos.279/13, 279/14, 279/15, 279/19, 279/20 and 279/21, are the ancestral properties. After the oral partition, the petitioner has been in possession and enjoyment of the property in Survey Nos.279/19, 279/20 and 279/21.



However, based on a complaint given by one Karuppiah, the fourth respondent herein issued the impugned notice, directing the petitioner to remove the encroachment made in Survey No.279/15. The petitioner, seeking to remove the wrong entry made in the Revenue Records, filed an appeal No.8899 of 2013 before the second respondent herein and the same is pending consideration.

3. As the appeal filed by the petitioner is pending before the Revenue Divisional Officer, without expressing any opinion on the merits of the case, the Writ Petition is disposed of with a direction to the second respondent to consider the appeal No.8899 of 2013 filed by the petitioner and pass appropriate orders on merits and in accordance with law. Till such orders are passed by the second respondent, the possession of the petitioner shall not be disturbed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,  
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,  
Revenue Divisional Office, Madurai.
- 3.The Tahsildar,  
Vadipatti, Madurai District.
- 4.The Executive Officer,  
Vadipatti Town Panchayat,  
Town Panchayat Office,  
Vadipatti, Madurai District.

+1cc to Mr.K.Gokul, Advocate in SR.No. 63955.

+1cc to Special Government Pleader in SR.No. 64261.

TS/07.01.2014/2P-7C

ORDER MADE IN  
W.P. (MD) .No.20824 of 2013

20.12.2013