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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

W.P.(MD) No.12917 of 2013 and
M.P(MD) Nos. 2 and 3 of 2013

1. Muthappa
2. Subbiah
3. Ashokan
4. Amsavalli
5. Chandra : Petitioner

Vs.

1. The Secretary to Government,
   Revenue Department,
   St. George Fort, Chennai.

2. The Special Commisioner of
   Land Administration,
   Ezhilagam, Chepauk, Chennai.

3. The District Collector,
   Thanjavur District.

4. The District Revenue Officer,
   Thanjavur District.

5. The Revenue Divisional Officer,
   Thanjavur District.

6. The Tahsildar,
   Thanjavur District. : Respondents.

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from constructing any building over the land in S.No.561/1A, 561/1A2, 561/1B1 and 561/1B2 situated at Chithiraikudi Village, Buthalloor Via, Thanjavur District.

For petitioners : Mr. J. Karl Jacob

For R1 to R6 : Mr.M. Alagathevan
Special Government Pleader
Mr.S.Poornachandran
(Advocate Commissioner)

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O R D E R

This Writ Petition is filed to issue a Writ of Mandamus forbearing the respondents from constructing any building over the land in S.Nos.561/1A, 561/1A2, 561/1B1 and 561/1B2, situated at Chithiraikudi Village, Buthalloor Via, Thanjavur District.

2. According to the petitioners, the land in question is belonged, to the petitioners and they are in possession and enjoyment of the same for more than 60 years. While so, the sixth respondent is taking steps for constructing the building and damaged the petitioners' land.

3. Heard the learned counsel for the petitioners as well as the learned Special Government Pleader appearing for the respondents.

4. From the affidavit, it is seen that due to dispute between the petitioners and sixth respondent, the petitioners already given a complaint to the revenue official and the same is being enquired into. It is well settled that the disputed question of fact cannot be gone into by this Court sitting under Article 226 of the Constitution of India and the same can be agitated before the Civil Courts, by letting in evidence.

5. With the above observation, the Writ Petition is dismissed. No costs. It is open to the petitioners to approach the Civil Court, for redressal of their grievance. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Revenue Department, St. George Fort, Chennai.

2. The Special Commisioner of
Land Administration, Ezhilagam, Chepauk, Chennai.

3. The District Collector, Thanjavur District.

4. The District Revenue Officer, Thanjavur District.

5. The Revenue Divisional Officer, Thanjavur District.

6. The Tahsildar, Thanjavur District.

+1cc to The Special Government Pleader, Madurai. SR.No.52112

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