



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.16557 of 2014

and

W.M.P.(MD) No.2 of 2014

1.Periasangili

2.Chinnasangili

3.Vettaiyan

4.Govindan

.. Petitioners

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Thashildar,
Usilampatti Taluk,
Madurai District.

3.The Taluk Surveyor,
Usilampatti Taluk,
Madurai District.

4.President,
Theppathupatti Village Panchayat,
Usilampatti Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from interfering into the petitioners peaceful possession and enjoyment of the patta lands bearing S.No.4/3 (13 cents), 4/5 (44 Cents), 3/2A (22 Cents), 4/2 (64 Cents), 3/3(65 cents), 3/4(1 Acre 48 cents), 3/4(Ac.1Acre 48 cents), 3/12A(20 cents), 3/10 (52 cents) situated in Eravadi village of Usilampatti Taluk, Madurai District on the guise of surveying and laying a public road without proper notification and enquiry.

For petitioners

: Mr.V.Nagendran

For Respondents

: Mr.M.Govindan

Special Government Pleader.



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

This writ petition has been filed by one Periasangili and his brothers for forbearing the respondents 1 and 2 from interfering with the petitioners peaceful possession and enjoyment of the patta lands bearing S.No.4/3 (13 cents), 4/5 (44 Cents), 3/2A (22 Cents), 4/2 (64 Cents), 3/3(65 cents), 3/4(1 Acre 48 cents), 3/4(Ac.1Acre 48 cents), 3/12A(20 cents), 3/10 (52 cents) situated in Eravadi village of Usilampatti Taluk, Madurai District.

2.The writ petitioners have fairly enclosed a copy of the plaint in O.S.No.256 of 2013 filed by them before the District Munsif Court, Usilampatti, Madurai District. The said suit has been filed against certain private individuals and also the Tahsildar, Usilampatti, Madurai District. The prayer sought in the suit is for injunction. The survey numbers mentioned in the present writ petition and in the suit schedule are same. Therefore, the only remedy open to the writ petitioner is to pursue the suit proceedings.

3.This writ petition is dismissed with liberty to the writ petitioners to work out their remedies in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Thashildar,
Usilampatti Taluk,
Madurai District.
- 3.The Taluk Surveyor,
Usilampatti Taluk,
Madurai District.

ORDER MADE IN
W.P. (MD) No.16557 of 2014
and
W.M.P. (MD) No.2 of 2014
03.08.2017