

**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.16572 of 2014
and
M.P (MD) Nos.2 of 2014**

1.Pondhan
2.Matchakanni
3.Ayyavu

... Petitioners

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Usilampatti Taluk,
Madurai Taluk.

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

4. President,
Eravarpatti Village Panchyat,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of 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.Nos.106/1A1/ (0.06.0 ares), 106/1A2 (0.06.5ares), 106/2A (0.12.5ares) and 106/3A (0.16.5 ares) and also in S.No.3/5A3 situated in Eravarpatti village of Usilampatti Taluk, Madurai District on the guise of surveying and laying a public road without proper notification and enquiry.

For Petitioners

: Mr.N.Nagendran

For Respondents

: Mr.M.Govindan, Spl.GP
for RR 1 to 4.

**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petition has been filed for restraining the respondents 1 and 2 from interfering with the writ petitioners' possession and enjoyment of their patta lands in Survey numbers mentioned in the writ petition.

2.It is seen that the writ petitioners had already filed O.S.No.260/2013 in this regard. Even according to the writ petitioners, the lands in question are patta lands. It is always open to them to pursue the common law remedy available to them. There is no need to invoke Article 226 of the Constitution of India for this purpose. This writ petition is dismissed with liberty to pursue the suit that has already been filed. It is always open to them to implead the official respondents also if need be.

3.With this liberty, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Usilampatti Taluk,
Madurai Taluk.
3. The Taluk Surveyor,
Usilampatti Taluk,
Madurai District.
4. President,
Eravarpatti Village Panchyat,
Usilampatti Taluk,
Madurai District.

Skm/tsg

AE/SKN RSK/SAR3/22.08.2017/2P/5C

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