



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.18411 of 2017

and

W.M.P. (MD) .No.14848 of 2017

P. Chinnamuthu

... Petitioner

-Vs-

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Kariappatti Taluk,
Virudhunagar District.
4. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
5. The Inspector of Police,
Kariappatti Police Station,
Virudhunagar District.
6. Mari

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 5 to prevent any trespasses entering into the petitioner's agricultural land in Survey No.181/1, at Pichampatty Village, Kariappatti Taluk, Virudhunagar District, measuring to an extent of 13 cents with patta No.795 in accordance with law.

For Petitioner

: Mr.R.Sundar

For R-1 to R-5

: Mr.D.Muruganantham,

Additional Government Pleader.

**ORDER**

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents 1 to 5 to prevent any trespasses by entering into the petitioner's agricultural land in Survey No.181/1, at Pichampatty Village, Kariappatti Taluk, Virudhunagar District, measuring to an extent of 13 cents with patta No.795 in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 5.

3. The petitioner states that he is the owner of the property measuring to an extent of 5 acres including the portion in Survey No.181/1. The petitioner further states that he is in possession and enjoyment of the property along with his brother. It is also stated that the temple known as "Vaazhavanthammal Amman" Temple is nearby to the petitioner's agricultural land. It is further submitted that the sixth respondent, who is out of ill will wanted to use the petitioner's agricultural land measuring about 13 cents as pathway, so that the worshipers of the temple can use this. It is in these circumstances, the petitioner has approached this Court, after giving a representation to the respondents 1 to 5.

4. The petitioner has also given a complaint as against certain individuals and the same was also registered in Crime No.139 of 2013 for the offences under Sections 147, 148, 294(b), 324, 336, 324, 307 IPC. The dispute is with regard to the piece of land, which according to the petitioner in his patta land in which he has absolute title. It is also stated that some third parties are also claiming the right over the petitioner's land. This is a matter which is purely Civil in nature and the same has to be decided only in the Civil Court. The petitioner has now come forward with the prayer which is nothing but to grant an order of injunction restraining the private respondent from interfering with his possession and enjoyment of the property in which he claims title.

5. Having regard to this facts and circumstances stated above, this Court is not inclined to entertain this Writ petition. Hence, the Writ petition is dismissed. However, liberty is given to the petitioner to establish his rights and seek appropriate relief by approaching the Civil Court. No costs. Consequently, connected Miscellaneous petition is closed.



Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

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To

1. The District Collector,
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Virudhunagar.
5. The Inspector of Police,
Kariappatti Police Station,
Virudhunagar District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81926

KM/PMU

TE/KP/SAR-IV : 10/11/2017 : 3P/7C

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