



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19937 of 2018
and
WMP(MD) No.17736 of 2018

Thisayanvilai Nagara Makkal Nala Munnerta Sangam
rep.by its President RPS Kartheesan, ... Petitioner

vs.

- 1.The Principal Secretary,
Revenue and Disaster Management Dept.,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.Tamil Nadu State Transport Corporation (Tnvl) Ltd.,
rep.by its Managing Director,
No.19, Thiruvananthapuram Road,
Vannarpettai,
Tirunelveli - 627 003.
- 4.The President,
Mohaideen Kadher Andavar Zumma Pallivasal
Selvamaruthur Village,
Thisayanvilai,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 & 2 to assign the land in Survey No.240/1, Selvamaruthur Village, Thisayanvillai, Tirunelveli District to an extent of 1 acre 25 cents in favour of the 3rd respondent, in which land, the existing Thisayanvillai Depot of the 3rd respondent is functioning based on the paper news published in Daily Malar dated 01.11.2017 and the petitioners representation dated 05.03.2018 within the period stipulated by this Court.



For Petitioner : Mr.E.K.John Victor Ellis

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

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ORDER

[Order of the Court was made by **M.M.SUNDRESH, J.**]

This Public Interest Litigation has been filed to protect the possession of the third respondent, who was the erstwhile lessee of the fourth respondent.

2.It appears that already a suit was filed by the fourth respondent, which was decreed against the third respondent and execution is pending. The application filed under Section 47 of the Code of Civil Procedure was also dismissed, which was also confirmed by this Court in CRP (MD)No.1508 and 1534 of 2018 on 13.08.2018. Therefore, this writ petition is an indirect way of stalling the execution proceedings before the jurisdictional Court.

3.In such view of the matter, we are not inclined to entertain this writ petition. *Prima facie*, it also appears that as per the 'A' register produced by the petitioner, the land is assigned as Grama Natham. Therefore, it cannot be termed as Government land. If the petitioner is aggrieved, he can file appeal against the judgment decree passed in the suit before the jurisdictional Court.

4.This writ petition is dismissed accordingly. No costs. Consequently, WMP(MD)No.17736 of 2018 is closed.

Sd/-

ASSISTANT REGISTRAR (CS II)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS I)

mj

To

1.The Principal Secretary,
Revenue and Disaster Management Dept.,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Tirunelveli District,
Tirunelveli.



3. Tamil Nadu State Transport Corporation (Tnvl) Ltd.,
rep. by its Managing Director,
No.19, Thiruvananthapuram Road,
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4. The President,
Mohaideen Kadher Andavar Zumma Pallivasal
Selvamaruthur Village,
Thisayanvilai, Tirunelveli District.

1CC TO MR. E.K. JOHN VICTOR ELLIS, ADVOCATE SR 84842
1CC TO THE SPL GOVT PLEADER SR 85203

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W.P. (MD) No.19937 of 2018
18.09.2018