



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.19841 of 2018

and

W.M.P.(MD) No.17620 of 2018

P.Raju

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Trichy District.
2. The Tahsildar,
Thuraiyur Taluk Office,
Thuraiyur, Trichy District.
3. The Village Administrative Officer,
Kombai Majura Village,
Sengattupatti Thuraiyur Taluk,
Trichy District.
4. L.Kumarasamy
5. L.Thathan
6. K.Vasanth
7. P.Rajendran
8. P.Jaishankar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Moo.Mu.A1/5816/2018 dated 31.07.2018 and quash the same, consequently direct the respondents 1 to 3 to permit the petitioner and villagers on behalf of Arulmighu Kaliyamman temple to harvest the Tapioca Crops in Survey No.583, Patta No.601, measuring an extent of 8 Acres 46 cents situated at Maruthai Village, Thuraiyur Taluk, Trichy District.

For Petitioner : Mr.K.K.Senthil
for Mr.K.Muthumalai

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents: Mr.A.Muthu Karuppan
Additional Government Pleader for R1 to R3

**ORDER**

What is challenged in this writ petition is an order, dated 31.07.2018, passed by the second respondent, rejecting the request of the petitioner for mutation of revenue records in favour of the Temple for which the petitioner claims to represent.

2. First of all, this Court is unable to understand as to how the petitioner has *locus standi* for filing this writ petition, except stating that he is one of the villagers.

3. From the impugned proceedings, dated 31.07.2018, it could be seen that there is a suit pending before the competent Civil Court in regard to the ownership of the property in question and on the basis of the pendency of the suit, the impugned proceedings came to be issued by the second respondent. This Court does not find anything wrong or infirmity in the order passed by the second respondent.

4. The learned counsel appearing for the petitioner would attempt to argue the case on the ground that the suit, which is pending before the Civil Court, is a collusive suit and the petitioner or the other villagers are not made as parties to the suit. In any case, if the petitioner is aggrieved by the non-impleadment of proper and necessary parties in the suit, it is open to him to approach the Civil Court in the pending litigation and get himself impleaded. However, it is not open to the petitioner to approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, when the proper effective civil remedy is available before the Civil Court.

5. For the above said reasons, this Court is of the considered view that the writ petition, as it is, is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1 .The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Office of the District Collector,
Trichy District.



2. The Tahsildar,
Thuraiyur Taluk Office,
Thuraiyur, Trichy District.

3. The Village Administrative Officer,
Kombai Majura Village,
Sengattupatti Thuraiyur Taluk.

+ 1 CC TO Mr.K.MUTHUMALAI, ADVOCATE IN SR No. 85283
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84761

KRK

TE/SV/SAR-4 : 26/10/2018 : 3P/6C

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