



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5541 of 2019

and

W.M.P.(MD)No.4385 of 2019

Indira

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Pudukkottai.

2.The Tahsildar,
Illuppur Taluk Office,
Pudukkottai District.

3.The Village Administrative Officer,
Pulvayal Village,
Illuppur Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents herein from in any manner interfering with petitioner peaceful possession and enjoyment of the petitioner patta natham property comprised in S.No.364/18 situated at Pulvayal Village, Pudukkottai District on the basis of the petitioner representation dated 02.03.2019, except under due process of law.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.K.Mu.Muthu

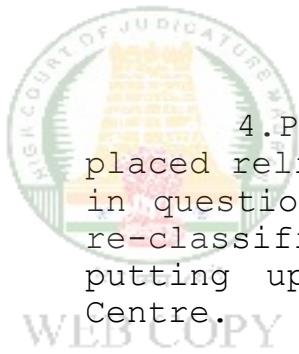
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner wants this Court to restrain the respondents from interfering with the petitioner's possession and enjoyment of the petition mentioned property.

3.The petitioner rests her case on the natham patta issued in her favour of predecessor in title and the sale deed dated 04.09.2015, in her favour.



4.Per contra, the learned Additional Government Pleader placed reliance on the original record pointed out that the property in question was classified only as path way and that the order of re-classification have been passed as early as on 06.02.2015 for putting up staff quarters for the staff of the Primary Health Centre.

5.There is a factual controversy in this case. These aspects will have to be gone into only in a duly instituted civil suit. Filing of the writ petition is rather misconceived. Therefore, even while dismissing the writ petition, this Court grants liberty to the petitioner to file a proper civil suit before the jurisdictional Civil Court. This Court has not gone into the merits of the matter. The petitioner's rights are left open.

6.With these observations and liberty, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
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Pudukkottai.
- 2.The Tahsildar,
Illuppur Taluk Office,
Pudukkottai District.
- 3.The Village Administrative Officer,
Pulvayal Village,
Illuppur Taluk,
Pudukkottai District.

+1CC TO Mr.B.Jameel Arasu, Advocate, Sr No.53328
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.53375

W.P. (MD) No.5541 of 2019
11.03.2019

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