



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.11432 of 2015

and

M.P. (MD) No.1 of 2015

S.Azhagar

... Petitioner

Vs

1. The District Collector,
Collectorate, Thanjavur District.
2. The Revenue Divisional Officer,
Office of RDO, Thanjavur District.
3. The Tahsildar,
Thiruvidaimarudhur Taluk,
Thiruvidaimarudhur, Thanjavur District.
4. Peter,
The Parish Priest,
Amman Pettai,
Thiruvidaimarudhur Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1 to 3 respondents to remove the bricks wall situated in S.No.137/1 in Ammanpettai Village, Thiruvidaidarudhur Taluk, Thanjavur District constructed by the 4th respondent and to take appropriate action as against the 4th respondent.

For Petitioner : Mr.R.Manimaran

For Respondents : Mr.M.Rajarajan

Government Advocate for R1 to R3

: Mr.V.K.Vijayaragavan for R4

ORDER

Heard the learned counsel on either side.

2.The petitioner's case is that the right to pass through S.No.137/1 in Ammanpettai Village, Thiruvidaidarudhur Taluk has been infringed by the action of the fourth respondent by putting up a compound wall.



3. When the matter was taken up for hearing, the learned counsel appearing for the fourth respondent produced a host of materials indicating that S.No.137/1 has been classified as cemetery in the revenue records. He also pointed out that O.S.No.267 of 1972 was filed before the learned District Munsif, Valangaiman in respect of the very same subject matter. It was a representative suit. Declaratory relief was granted in favour of the local Christians. The decree made on 27.11.1973 in O.S.No.267 of 1972 and the same was confirmed in A.S.No.32 of 1974 by the Sub Court, Kumbakonam.

4. In view of these materials, I am of the view that filing of writ petition is patently misconceived. I cannot grant any relief in the writ jurisdiction. If at all the petitioner has any independent civil right, it is for him to workout before the jurisdictional Civil Court.

5. With this observation, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The District Collector,
Collectorate, Thanjavur District.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Thanjavur District.
3. The Tahsildar,
Thiruvidaimarudhur Taluk,
Thiruvidaimarudhur,
Thanjavur District.

+1 CC to Mr.V.K.VIJAYA RAGAVAN, Advocate (SR-59851[F] dated 09/04/2019)

+1 CC to Special Government Pleader(SR-59951[F] dated 09/04/2019)

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