



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .Nos.7541 and 7542 of 2007

W.P. (MD) .No.7541 of 2007

1.Ramisa Begum

2.Majitha Begam

3.Raseeda Begam

4.Sabura Begum

5.Sabiya

6.Mumtaj

7.Babu Misirikhan

8.Fathima Begum

9.Kamaludeen

... Petitioners

***(Petitioners herein are represented
through their Power of Attorney
C.A.Abdul Lateef)***

Vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli.

3.Mohammed Noorkhan Pani

4.Mohammed Jaferkhan Pani

... Respondents

*(R-3 and R-4 are impleaded vide Court order dated 25.11.2021 in
W.M.P(MD).Nos.4964 and 4965 of 2017 in W.P(MD).Nos.7541 and 7542 of
2007)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents herein, their men, agents, servants or any one acting under the respondents from in any manner interfering with the peaceful possession and enjoyment of the petitioner's properties more fully described in the schedule annexed herewith or any way



assigning the same to any third parties except without following the due process of law.

For Petitioners : Mr.F.Deepak
For R-1 and R-2 : Mr.S.Kameswaran
Government Advocate

W.P. (MD) .No.7542 of 2007

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... Petitioners

***(Petitioners herein are represented
through their Power of Attorney
K.M.Nasurudeen)***

Vs.

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For Petitioners : Mr.F.Deepak
For R-1 and R-2 : Mr.S.Kameswaran
Government Advocate

COMMON ORDER

The Writ Petitions had been filed in the year 2007. The relief sought in the Writ Petitions, are that the respondents namely the District Collector of Tirunelveli District and the Revenue Divisional Officer of Cheranmahadevi, Tirunelveli District should not interfere with the peaceful possession and enjoyment of the petitioners' properties.

2. Mr.S.Kameswaran, learned Government Advocate, appears for respondents 1 and 2.

3. Once a Writ Petition is filed with that particular relief, the issues regarding the rights of the petitioners to enjoy the lands, issues regarding the possession of the petitioners with respect to the said lands will have to be determined and such examination can never be done on the basis of affidavits filed. Though documents have been produced before this Court, to be termed as evidence, such documents will necessarily have to pass the tests of the proof, admissibility, relevancy and also genuinity.

4. As stated above, the Writ Court can never enter into any discussion or determination of possession or enjoyment. In view of the categorical statement made that issues regarding this have to be examined only by the civil Court, I am not entering into any discussion on merits. I am also informed that as early as on 1961, there had been civil proceedings initiated and I only hope that the entire issues, one way or the other, have attained finality or is understood to have attained finality by the parties.

5. The Writ Petitions are dismissed. There shall be no order as to costs.

Sd/-

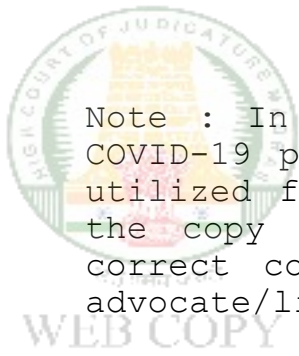
Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

Nsr/Lm



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-36079[F] dated 26/11/2021)

+1 CC to M/s.F.DEEPAK, Advocate (SR-36237[F] dated 29/11/2021)

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-36222[F] dated 26/11/2021

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