



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.2583 of 2021

V.Krishnamoorthi

... Petitioner

Vs.

1.The Executive Magistrate cum Revenue
Divisional officer
Sivakasi, Virudhunagar
Virudhunagar District

2. The Tahsildhar
Srivilliputhur Taluk
Virudhunagar District

3. The Inspector of Police
Town Police Station
Srivilliputhur,
Virudhunagar District

4.The Panchayat President
Anaithalappatti Village
Srivilliputhur Taluk
Virudhunagar District

5.Murugan

6.Karikalan

(R5 and R6 are impleaded vide court

dated 22.02.2022 in WMP(MD) No.3739 of 2021)

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified mandamus to call for the records of the 1st respondent in Na.Ka.A2/m.C.No.299/2020 dated 16/11/2020 and quash the same and forbearing the respondents by way of any construction or any other impediment to be made in the survey numbers S.No.534/1 and 534/2 in Anaithalappatti Village , Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : M/s.S. Mahalakshmi

For Respondents : Mr.B.Thanga Aravindh
No.1 to 3 Government Advocate(Crl.Side)

No. 5 & 6 : Mr.M.Jothi Basu



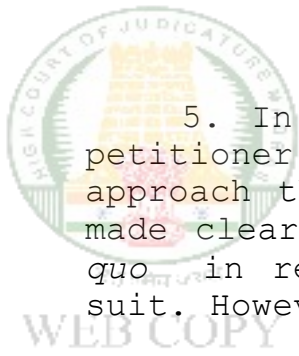
ORDER

This writ petition has been filed to call for the records of the 1st respondent in Na.Ka.A2/m.C.No.299/2020 dated 16/11/2020 and quash the same and forbearing the respondents by way of any construction or any other impediment to be made in the survey numbers S.No.534/1 and 534/2 in Anaithalappatti Village, Srivilliputhur Taluk, Virudhunagar District.

2. It is the case of the petitioner that the land in Survey No.534/1 and 534/2A situated in Anaithalappatti Village, Srivilliputhur Taluk, Virudhunagar District were assigned by the second respondent for the use of keeping compost for agricultural purpose. Later particular community people used the said land for keeping compost replica for fertilizers. It is also classified in the revenue records as garbage. In the remaining land there is schools, temples and play grounds. while being so other community people disturbed the lands of the petitioner's community people and causing hindrance to the school, temple and play ground. Thereafter the first respondent issued order under Section 111 of Cr.P.C and initiated proceedings under Section 107 of Cr.P.C. In continuation of the proceedings under Sections 107 of Cr.P.C., the first respondent conducted enquiry on 16.11.2020, thereby calling upon the parties and passed orders on 16.11.2020, thereby directing to say no objection by both the parties to dump the cow dung in the land comprised in Survey No.534/2. Further the second respondent directed to survey the land comprised in S.No.534/1 and if the said land is classified as Natham Poramboke the fourth respondent is directed to construct community hall for which both the parties has not raised any objections and till the survey of the said land, both the parties are directed to maintain *status quo*.

3. Now the learned counsel appearing for the fifth respondent submitted that as directed by the first respondent, the second respondent surveyed the land and found that the said land is classified as poramboke land and constructed community hall. However the petitioner submitted that there is a remaining land to the extent in S.No.534/1 and it may be permitted to be used by the petitioner.

4. It is seen that there is a civil dispute between the petitioner and the respondents 5 and 6 herein in respect of the said land, though it is classified as poramboke. If all the petitioner claims the said land by assignment the petitioner can very well approach the civil Court for title, therefore there is no infirmity or illegality in the order passed by the first respondent, hence the writ petition is liable to be dismissed.



5. In the result, the Writ petition stands dismissed. If the petitioner succeeds in the civil suit the petitioner can very well approach the revenue officials and seek appropriate relief. It is made clear that both the parties are directed to maintain *status quo* in respect of the vacant land till the outcome of the civil suit. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Divisional officer
Sivakasi, Virudhunagar
Virudhunagar District

2. The Tahsildhar
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4.The Panchayat President
Anaithalappatti Village
Srivilliputhur Taluk
Virudhunagar District

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-12376[F] dated 16/03/2022)

W.P. (MD)No.2583 of 2021

15.03.2022

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