



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2744 of 2017

WEB COPY

A.Chitrambalam

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai Sub Division,
Devakottai,
Sivagangai District.

3.The Tahsildhar,
Thiruppathur,
Sivagangai District.

4.A.Palanichamy

... Respondents

(R4 is impleaded vide order dated 24.02.2017
in W.M.P. (MD)No.2474 of 2017)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to direct the 3rd respondent to cancel the illegal subdivision and consequently to direct cancelling the false patta No.7 and 906 for the extent of 0.01.80 ares in Survey No.427/2 of Ulagamatty Village, Thiruppathur Taluk, Sivagangai District by considering the petitioner's representation dated 27.08.2016 within a period of stipulated time.

For Petitioner : Mr.NA.Palaniyandi

For R1 to R3 : Mr.M.Prakash

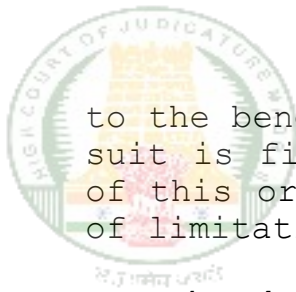
Additional Government Pleader

O R D E R

The petitioner has a pathway dispute with the 4th respondent who is none other than his brother.

2. According to the petitioner's counsel, dispute has arisen on account of erroneous sub-division of the survey numbers. The 4th respondent is yet to be served. In my view, the jurisdictional civil court will be in a better position to redress the grievances.

3. Since for the last five years, the petitioner has been engaged in pursuing his remedy in writ proceedings, he is entitled



to the benefit under Section 14 of the Limitation Act. If any civil suit is filed within two months from the date of receipt of a copy of this order, the petitioner shall not be non-suited on the ground of limitation.

4. The learned Additional Government Pleader submitted that the property in question stands in the joint names of the petitioner and the fourth respondent.

5. Leaving open the petitioner's right to move the jurisdictional civil court, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Rmi

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Sub Division,
Devakottai,
Sivagangai District.
- 3.The Tahsildhar,
Thiruppathur,
Sivagangai District.

+1 CC to M/s.NA. PALANIYANDI, Advocate (SR-27225[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27093[F] dated 21/06/2022)

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20.06.2022

RD(06.07.2022) 2P 6C