



W.P.(MD)No.14038 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.14038 of 2012

and

M.P.(MD).No.1 of 2012

Thirumal

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai Noth Taluk,
Madurai.

3.Village Administrative Officer,
54, Chettikulam, Thirumalpuram Post,
Oomatchikulam,
Madurai-14.

4.Natham Surveyor,
Madurai North Taluk,
Madurai.

... Respondents



W.P.(MD)No.14038 of 2012

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents their men or any one acting on behalf of the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner's property in Door No.3/75, New Survey No.112/21, Old Survey No.112, Patta No.489 admeasuring to an extent of 0.00.520 sq.mt., Chettikulam Village, Koolpandi Firka, Madurai North Taluk, Madurai District except by due process of law.

For Petitioner :Mr.B.Rooban

For Respondents :Mr.M.Prakash
Additional Government Pleader for R1 to R4

ORDER

The Revenue Divisional Officer was directed to file an affidavit explaining under what circumstances the order dated 31.12.2018 was passed inspite of an injunction granted by this Court in the instant writ petition.

2. Today, the concerned Revenue Divisional Officer, namely Mr.Aravindhan, presently working as District Revenue Officer,



W.P.(MD)No.14038 of 2012

Kallakurichi, is present before this Court and had produced the relevant records and explained that he is not a party in this writ petition and the then Tahsildar, while placing a report, had not brought to his notice of the order of the injunction granted in this writ petition. Hence, he had proceeded to pass the order, which was challenged in W.P.(MD).No.17862 of 2013. Pending the writ petition, the order passed by the Revenue Divisional Officer was set aside by the then District Revenue Officer and hence, W.P.(MD).No.17862 of 2013 was closed.

3. The reason assigned by the Officer concerned is taken on record. This Court finds that the report of the Tahsildar do not disclose the injunction granted and since he was not a party in the writ petition, his explanation is acceptable and satisfactory.

4. The present writ petition is for a Mandamus directing the respondents to interfere with their possession and enjoyment of the property. Since the order passed by the Revenue Divisional Officer had been set aside by the District Revenue Officer, the title of the petitioner has been restored



W.P.(MD)No.14038 of 2012

WEB COPY

and hence, there is no order necessary to be passed in this writ petition and the writ petition is closed accordingly. Consequently, connected miscellaneous petition is closed. No costs.

23.01.2023

Index : Yes / No

Speaking Order/Non Speaking Order
sbn

To

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Revenue Divisional Officer,
Padmanabhapuram Revenue Division,
Thuckalay,
Kanyakumari District.
- 3.The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.
Nagercoil.
- 4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.



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W.P.(MD)No.14038 of 2012

K.KUMARESH BABU, J.

sbn

W.P.(MD)No.14038 of 2012
and
M.P.(MD).No.1 of 2012

23.01.2023