



W.P(MD)No.1813 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1813 of 2023

and

W.M.P.(MD)No.1609 of 2023

Swarnaverriah

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent vide Ne.Mu.No.1630/20/G5 dated 19.10.2021 and quash the same as erroneous and made consequently direct the 2nd respondent to incorporate the name of SrilaSri Mahadeva Gnana Desiga Swamigal Vishwaharma Vedantha Madam Thiruparamkuntram in Survey No.42/1B2 of Nilayur bit 1 in Madurai District.



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For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mrs.S.Jeya Priya,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The petitioner claims that an error crept in during UDR in respect of the petition mentioned property and to rectify the same, the petitioner moved the second respondent. The second respondent by the impugned proceedings relegated the petitioner to go before the jurisdictional Civil Court. Questioning the same, the present writ petition has been filed.

3.The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He would point out that the case projected by the writ petitioner was not at all contested by any other party and therefore, the second respondent ought to have upheld the contentions of the writ petitioner. The petitioner's counsel might as well be correct in his contention but the fact remains that the petitioner essentially seeks declaration of civil rights over a piece of immovable property. It is only



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just and proper that the jurisdictional Civil Court declares the petitioner's title.

Before the Civil Court, the petitioner can adduce evidence and mark all the relevant documents. Such course of action is not possible in writ proceedings.

4.Affirming the impugned order passed by the second respondent and granting liberty to writ petitioner to move the jurisdictional Civil Court, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

5.The Inspector of Police,
Siruganur Police Station,
Trichy District.



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G.R.SWAMINATHAN, J.

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