



W.P(MD)No.4488 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4488 of 2023
and
W.M.P(MD)No.4219 of 2023

1.Patchaimuthu
2.Duraiarasan
3.Rajammal
4.Subramanian

... Petitioners

Vs

1.The District Collector,
Pudukottai and District.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

4.Manjula

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 not to allot the petitioner's occupied Natham properties in Survey Nos. 473/24, 25 and



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26 with an total extent of 0.47.0 Ars of Sunaiyakadu Village, Aranthangi Taluk, Pudukkottai District, to the construction of Government School, by considering petitioner's representation dated 13.01.2023.

For Petitioners : Mr.R.Paranjothi

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R.1 to R.3

ORDER

Heard the learned counsel on either side.

2.The petitioners claim is that the petition mentioned land is an occupied natham which is in their possession. Since the jurisdictional Tahsildar has sent a proposal for constructing a Government School in the said land, the present writ petition has been filed.

3.The petitioners have enclosed a copy of the plaint in O.S.No.41 of 2021 on the file of District Munsif Court, Aranthangi. The prayer in the suit is for declaration and permanent injunction. Since in respect of the petition mentioned property a civil suit has already been filed, parallel action cannot lie. Relief is granted to the petitioners by directing the learned District Magistrate, Aranthangi to dispose of O.S.No.41 of 2021 on merits and in accordance with law within a period of twelve months from the date of receipt



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of a copy of this order. It is open to the petitioners to press for disposal of the interim application that may have been filed by him.

4. With this direction to the jurisdictional civil Court, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

Note: Registry is directed to mark a copy of the order to the learned District Munsif Court, Aranthangi.

To

1. The District Collector,
Pudukottai and District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.
3. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.



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G.R.SWAMINATHAN, J.

MGA

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