



W.P(MD)No.11662 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.11662 of 2023
and
W.M.P(MD)No.10121 of 2023**

Sowndharrajan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

2.The Tahsildar,
Peravoorani,
Thanjavur District.

3.Selvarasu

... 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 pertaining to the impugned order passed by the first respondent dated 10.01.2023 in Na.Ka.No.2657/2022/A3 and quash the same as illegal and consequently direct the first and second respondents to restore and maintain the mud path way bearing S.F.No.45/8A



W.P(MD)No.11662 of 2023

classified as Nilavial Vandi Patthai situated at Ammaiyaandi Village,
Peravurani Taluk, Tanjore District.

For Petitioner : Mr.E.Balasubramanian
For RR 1 & 2 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel for the writ petitioner and the
learned Additional Government Pleader for the respondents 1 & 2.

2.The case of the petitioner is that the petition mentioned
land is a cart track. The stand of the third respondent is that it is a patta
land. This issue was already the subject matter of W.P(MD)No.11509 of
2022. This Court had clearly held that the Writ Court cannot decide the
character of the land. By the impugned order, the authority had also
relegated the parties to go before the jurisdictional civil Court. The
impugned order does not warrant any interference. If the petitioner files
any civil suit, the same shall be numbered without any delay and
disposed of by the jurisdictional civil Court as expeditiously as possible.
We make it clear that we have not gone into the merits of the matter. All



W.P(MD)No.11662 of 2023

the contentions of the petitioner are left open. If any interim application along with the suit is filed, the same may be disposed of as expeditiously as possible.

3.The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

[G.R.S.,J.] [S.S.Y.,J.]
10.05.2023

Index : Yes/No
Internet : Yes
NCC : Yes/No
ps/cm

To

1.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

2.The Tahsildar,
Peravoorani,
Thanjavur District.



W.P(MD)No.11662 of 2023

G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

ps/cm

ORDER MADE IN

W.P(MD)No.11662 of 2023

10.05.2023