



W.P.(MD)No.12921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.12921 of 2023
and
W.M.P.(MD)No.10942 of 2023

S.Dhanapathi

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukottai District,
Pudukottai-622 001.

2.The Revenue Divisional Officer,
Iluppur Revenue Division,
Iluppur-622 102,
Pudukottai District.

3.The Tahsildar,
Kulathur Taluk,
Kulathur 622 504,
Pudukottai District.

4.Mohammed Faiseen

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings Na.Ka.No.E1/443013/2022, dated 05.05.2023 passed by the first respondent and quash the same as void and illegal.

For Petitioner :Mr.D.Gurusamy

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R3

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned eviction order dated 05.05.2023 passed by the District Revenue Officer, Pudukkottai, against him. It reads that Survey No.184/2 measuring 4.18.0 Hectare is a water body and that it has to be maintained as such and that if there are encroachments, the same should be removed.

3. The stand of the petitioner is that part of the land covered under survey number mentioned in the impugned proceedings actually belongs to the petitioner and that there has been an erroneous inclusion of his patta land.

4. These are factual matters. It may not be open to the writ Court to go into the same. It is seen that the petitioner has already filed I.T.C.M.A No.1 of 2007 on the file of the Sub Court, Pudukkottai. The issues now raised have already been projected in the said appeal. Interest of justice would be met by



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directing the tribunal to complete the proceedings within three months and by directing the first respondent to keep the impugned proceedings in abeyance till then.

5. In this view of the matter, the writ petition is disposed in the following terms:-

(I) The Sub Court, Pudukkottai / Inam Abolition Tribunal is directed to dispose of I.T.C.M.A.No.1 of 2007 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. We make it clear that we have not gone into the merits of the matter.

(II) The impugned proceedings dated 05.05.2023 passed by the District Revenue Officer, Pudukkottai will abide by the outcome of the said appeal.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
05.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
rmi

G.R.SWAMINATHAN, J



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and

B.PUGALENDHI, J.

rmi

To

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