



W.P(MD)No.14673 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.12.2023**

**CORAM :**

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.14673 of 2023**

Ramesh

... Petitioner

vs.

1. State,  
Rep. by the District Collector,  
Trichy District.

2. State,  
Rep. by the District Revenue Officer,  
Trichy District.

3. State,  
Rep. by the Revenue Divisional Officer,  
Musiri, Trichy District.

4. State,  
Rep. the Tahsildar,  
Musiri, Trichy District.

5. State,  
Rep. by the Superintendent of Police,  
Trichy District.

6. The Inspector of Police,  
Musiri Police Station,  
Trichy District.

7. Kamalam

8. Selvaraj  
Respondents

...

9.



W.P(MD)No.14673 of 2023

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 4<sup>th</sup> respondent to earmark the boundaries of the lands situated in Old S.No.138 (New S.Nos.138/1 and 138/2) to an extent of 9 Acres and 27 cents at Sivathanlingapuram Village, Musiri Taluk, Trichy District, and to remove the encroachment by the respondents 7 and 8 within the time frame fixed by this Court and further permission to cut the Seemai Karuvelam (Prosopis Juliflora) trees periodically by the village panchayat or villagers and the funds be used for the public purpose with adequate police protection.

|                |                                                      |
|----------------|------------------------------------------------------|
| For Petitioner | : Mr.V.Iyappan for Mr.V.Muthumani                    |
| For R1 to R4   | : Mr.P.Thilakkumar, Government Pleader               |
| For R5 & R6    | : Mr.T.Senthil Kumar<br>Additional Public Prosecutor |
| For R7 & R8    | : Mr.G.S.Asok Adhithyan                              |

### **ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

We have heard Mr.V.Iyappan, learned counsel representing the counsel on record for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondent Nos.1 to 4, Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondent Nos.5 and 6 and Mr.G.S.Asok Adhithyan, learned counsel appearing for the respondent Nos.7 and 8.



**W.P(MD)No.14673 of 2023**

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2. The learned counsel for the petitioner submits that the lands in Old S.No.138 (New S.Nos.138/1 and 138/2) at Sivathanlingapuram Village, Musiri Taluk, Trichy District, are Government lands. The respondent Nos.7 and 8 are restraining the villagers from entering into the said lands.

3. The learned counsel for the respondent Nos.7 and 8 submits that the petitioner had filed a civil suit for injunction against the respondent Nos.7 and 8 and the same was dismissed.

4. The learned counsel for the petitioner submits that the respondent Nos.7 and 8 also filed a suit for injunction against the petitioner and the same was also dismissed.

5. Reliance is placed on one revenue document to suggest that the lands in S.Nos.138/1 and 138/2 are graveyard, whereas, the learned counsel for the respondent Nos.7 and 8 submits that in 'A' Register, the subject lands are shown as private lands stand in the name of 45 shareholders.



**W.P(MD)No.14673 of 2023**

6. As per the Government's affidavit, the respondent Nos.7 and 8 have purchased the subject lands from some of the shareholders.

7. It appears to be a case of disputed questions of fact. The suits filed by the petitioner and also the respondent Nos.7 and 8 have been dismissed. The said disputed questions of fact cannot be decided in the writ jurisdiction. The petitioner may approach the authority concerned. The authority may consider the documents placed by the respective parties and if the subject lands are classified as graveyard in the revenue records, the authority shall ensure protection of the said lands. The parties are also at liberty to approach the civil court with the substantive relief of declaration if they so desire.

8. The Writ Petition, accordingly, stands disposed of. No costs.

**[S.V.G., C.J.]**

**[L.V.G., J.]**

**01.12.2023**

Index : Yes / No  
Neutral Citation : Yes / No  
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3. The Revenue Divisional Officer,  
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4. The Tahsildar,  
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**W.P(MD)No.14673 of 2023**

**THE HONOURABLE CHIEF JUSTICE**  
**and**  
**L.VICTORIA GOWRI, J.**

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