



WP(MD)No.18765 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.18765 of 2023 and
WMP(MD) No.15595 of 2023

S.Nagarajan

... Petitioner

Vs

- 1.The District Collector,
Collectorate,
Pudukkottai,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Taluk Office,
Aranthangi Taluk,
Pudukkottai District.
- 4.The Village Administrative Officer,
Poovai Manager,
Poovatrakudi Circle,
Aranthangi Taluk,
Pudukkottai District.



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5.Muthu @ T.Subramanian

6.Vijayarajan

7.Shenbagavalli

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent from interfering the petitioner's possession and enjoyment in S.No.277/19 and S.No.277/20 without following due process of law till the final adjudication of civil suit in O.S.No.58 of 2011, on the file of the District Munsif Court, Aranthangi by considering the petitioner's representation dated 22.07.2023.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner claims that he is in possession of the land in S.No.277/19, 277/20 and 277/17 in Poovatrakudi Village, Aranthangi Taluk, Pudukkottai District. According to the petitioner, this land is a Natham property and enjoyed by his ancestors. The petitioner is now constructing a house in S.No.277/19 and 277/20. While so, the



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respondents 3 & 4 are attempting to interfere with the petitioner's possession and enjoyment and therefore the petitioner has filed this writ petition for a Mandamus, forbearing the second respondent from interfering with the petitioner's peaceful possession and enjoyment of the subject property without following due process of law and till the disposal of a civil suit in OS.No.58 of 2011, on the file of the District Munsif Court, Aranthangi by considering his representation, dated 22.07.2023.

2.The learned counsel appearing for the petitioner submits that on the very same issue, a civil suit is pending on the file of the District Munsif Court, Aranthangi in O.S.No.58 of 2011. While so, the officials without considering the civil litigation has unnecessarily harass the petitioner and attempted to interfere with the petitioner's peaceful possession of the subject property.



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3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents on written instructions, which she has received from the Tahsildar, Aranthangi submits that the respondents 5 & 6 are the sons of the petitioner's elder brother. The land in S.No.277/19 to an extent of 0.05.50 Ares is classified as Natham Poramboke and it is in possession of the petitioner's family. The land in S.No.277/20 to an extent of 0.02.0 Ares is classified as Ryotmanai and the patta for this land stands in the name of one Shenbagavalli W/o Thirupathi Chettiyar. S.No.277/17 to an extent of 0.03.5 Ares is in the name of one Subramanian S/o Ramasamy in Patta No.175.One Vijayarajan, who is the son of the petitioner's elder brother has lodged a complaint before the Aranthangi Police Station and also before the Revenue officials that without any partition of the property, the petitioner is attempting to put up a construction in the land in S.No. 277/19. According to the Tahsildar, in view of the dispute between the



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petitioner and the respondents 5 & 6, law and order problem may arise.

Therefore, the Village Administrative officer has also lodged a complaint before the Aranthangi Police Station, based on the complaint of the sixth respondent. Considering the dispute between the petitioner and the respondents 5 & 6, the Village Administrative Officer, Aranthangi has summoned the petitioner and the opposite parties for conducting a peace committee meeting on 06.07.2023 and the petitioner did not appear for the meeting. The sixth respondent appeared and stated that he is not having any objection for the construction of the petitioner, after completion of the partition. The learned Special Government Pleader submits that the revenue officials have not passed any order except conducting the meeting on the complaint of the sixth respondent. She further submits that the suit filed by the petitioner in O.S.No.58 of 2011 before the District Munsif Court was dismissed on 31.03.2022.



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4.Considering the submissions made by the learned Special Government Pleader and the prayer sought for in this writ petition is itself for a Mandamus pending disposal of the suit and now it is reported that the suit filed by the petitioner in O.S.No.58 of 2011 has already been dismissed, this writ petition is dismissed with a liberty to the petitioner to work out his remedy before the appropriate Forum. No costs. Consequently, connected Miscellaneous Petition is closed.

03.08.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes

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B.PUGALENDHI, J.

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