



W.P(MD)No.10063 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10063 of 2015

and

M.P.(MD)Nos.1& 2 of 2015

P.Gajendran

... Petitioner

Vs.

**1.The District Collector,
Trichy District.**

**2.The Revenue Divisional Officer,
Musiri Taluk,
Trichy District.**

**3.The Tahsildar,
Thuraiyur Taluk Office,
Trichy District.**

**4.The President,
Maruvathur Panchayath,
Thuraiyur Taluk.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents 1 to 4 herein from making any construction in the land in Maruvathur Village, Thuraiyur Taluk, Trichy District in S.No.498/1,2&3 for which new S.No.500/1,2,3 to an extent of 27 cents.

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For Petitioner : Mr.Porkodi Karnan
for M/s.Polax Legal Solution

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R4

ORDER

Heard the learned counsel on either side.

2. The respondents proposed to construct a primary health centre in the petition mentioned survey numbers. Contending that they are his private lands, this writ petition came to be filed for forbearing the respondents from doing so.

3. When the matter was taken up for final disposal, the learned Additional Government Pleader produced the relevant revenue records. It is seen therefrom that Old S.No.498 was classified as 'வாரி'. The old survey Nos.500/1, 500/2 & 500/3 was classified as “அனாதீனம் சதுர கிணறு”. I am not able to come to any definite conclusion based on the revenue record because the petitioner traces his right through a registered sale deed dated 02.04.1958. The said



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sale deed does not contain any survey number. However, Pymash No. 1505 and Patta No.666 have been mentioned. On the strength of the said material, this Court cannot straight away come to the conclusion that the petition mentioned survey numbers can be correlated to the property covered in the said sale deed dated 02.04.1958. These are essentially factual aspects. The petitioner has to necessarily establish his case only before the jurisdictional civil Court. The petitioner has not produced any patta in his name. Nor has he produced the patta of his predecessor-in-title. The petitioner will have to show that when the property was purchased, it was capable of being alienated. I therefore relegate the petitioner to move the jurisdictional civil court. When the writ petition was entertained, interim injunction was granted. Therefore, the petitioner is definitely entitled to breathing time. Status quo that is presently obtaining on ground shall continue for a period of twelve more weeks. It is for the petitioner to obtain appropriate relief at the hands of the jurisdictional civil court. I make it clear that I have not gone into the merits of the matter. All the contentions of the respective parties are left open.



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G.R.SWAMINATHAN, J.

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4. The Writ Petition is disposed of. No costs. Consequently,
connected miscellaneous petitions are closed.

11.08.2023

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

NOTE: Issue Order Copy on 14.08.2023

To

1. The District Collector,
Trichy District.

2. The Revenue Divisional Officer,
Musiri Taluk,
Trichy District.

3. The Tahsildar,
Thuraiyur Taluk Office,
Trichy District.

4. The President,
Maruvathur Panchayath,
Thuraiyur Taluk.

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