



W.P(MD)No.11553 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11553 of 2015
and
M.P.(MD)Nos.2 & 3 of 2015

1.M.P.Maruthamalai

2.M.Selvam

... Petitioners

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

3.M.Angammal

... 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 in Na.Ka.No.G5/19800/2015 dated 08.06.2015 quash the same, as illegal, ultra vires, unconstitutional and without jurisdiction and in consequence restrain the 1st respondent from passing any orders in proceedings in Na.Ka.No.6802/2014/N pending on the file of the 1st respondent and for other consequential reliefs and thus render justice.



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For Petitioners : Mr.S.Ramesh

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2

: Ms.K.Pandipriya for R3

ORDER

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

2. The names of the petitioners are found in the revenue record in respect of the petition mentioned survey numbers. The third respondent submitted an application before the first respondent contending that error had crept in during UDR. The third respondent's petition was taken on file and notice was issued. The petitioner challenges the said enquiry notice.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the third respondent has already filed civil suit. He also would argue that after filing the suit for bare injunction originally, the third respondent conceded during cross-examination that she is not in possession. The petitioner may have many more defences. All the contentions can very



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well be urged before the first respondent. As rightly pointed out by the learned Additional Government Pleader, when the competent authority has issued the notice, the question of writ Court interfering at this stage does not arise at all. The petitioners can very well establish their case before the first respondent.

4. Leaving open all the contentions of the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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