



W.P(MD)No.16515 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16515 of 2015

and

M.P(MD)No.1 of 2015

R.Alwinraja

... Petitioner

Vs

1.The Sub Collector,
Cheranmahadevi Revenue Division,
Cheranmahadevi,
Thirunelveli District.

2.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Thirunelveli District.

3.V.Vishnu

4.M.S.Abdulkadhar

5.S.B.Pargunam

6.Nellai Kumari

7.Saroja



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8.Thirumani

9.Sundravasagam Nadar

10.Rajagopal Nadar

11.Rajaboopathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in issuing the summons dated 24.08.2015 in Na.Ka.A1.1774-15 in fixing the date of enquiry in file No.Na.Ka.A1.1774-15 and quash the same and directing respondents not to conduct any enquiry till the disposal of the suit proceedings in O.S.No.129 of 2015 pending on the file of the Principal District Munsif at Valliyoora reaches its finality.

For Petitioner : No Appearance

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader
for R.1 & R.2

Mr.N.Mohideen Basha
for R.6 to R.8

No Appearance
for R.3 to R.5, R.10 & R.11

ORDER

None appears for the writ petitioner.

2. It is seen from the materials on record that the petitioner has already filed O.S.No.129 of 2015 before the Principal District Munsif Court, Valliyoora,



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against one Thirumani and two others in respect of properties comprised in Survey No.198/4 in Mudhumothanmozhi Village. In the said suit, the petitioner had also obtained an order of interim injunction in his favour on 21.05.2015. In the meanwhile, the said Thirumani had moved the Tahsildar, Radhapuram with regard to changes made in the revenue record. The file was subsequently transferred to the Sub Collector, Cheranmahadevi. The said Sub Collector issued the impugned summons to the petitioner.

3. The writ petition was filed in 2015. We are now in July 2023. The learned Additional Government Pleader on instructions states that since the parties are already agitating the rights before the jurisdictional civil Court, the matter was not proceeded with. It is further stated that the file itself was destroyed on account of lapse of time.

4. In view of these subsequent developments and the stand taken by the official respondents, the impugned proceedings are quashed and the writ petitioner and the private respondents will have to work out their rights in the manner known to law in the pending civil suit. I make it clear that I have not gone into the merits of the matter.



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5. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1. The Principal District Munsif Court,
Valliyoor.
2. The Sub Collector,
Cheranmahadevi Revenue Division,
Cheranmahadevi,
Thirunelveli District.
3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Thirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

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