



W.P(MD)No.19962 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19962 of 2015

and

W.M.P.(MD)No. 1 of 2015

Baskar

... Petitioner

Vs.

**1.The District Collector,
Thanjavur,
Thanjavur District.**

**2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.**

**3.The Tahsildar,
Thanjavur,
Thanjavur District.**

4.Muthukumaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents 1 to 3 not lay road in Survey No.134/1B2, 134/1B1, 134/1B, at vilar Village, Vilar pircka, Thanjavur Taluk, Thanjavur District and directing the 3rd Respondent to conduct an enquiry as directed by this Court in WP.(MD)NO.10981 OF 2015 DT. 02.07.2015.

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For Petitioners : Mr.G.Karnan

For Respondents : Mr.D.Gandhiraj

Special Government Pleader for R1 to R3

: Mrs.V.Sebastinal Preethi for R4

ORDER

Heard the learned counsel on either side.

2. The petitioner has sought two fold reliefs.

(I) The official respondents should not lay any road in the petition mentioned survey numbers.

(II) The third respondent should conclude enquiry into the dispute between the petitioner and the fourth respondent.

3. When the matter was taken up for hearing, the learned Special Government Pleader clarified that there is no proposal to lay any road across the petition mentioned survey numbers. This fully addresses the apprehension expressed by the petitioner. As regards the second part of the prayer, it is seen that the jurisdictional civil court is seized of the matter. O.S.No.198 of 2009 filed by the fourth



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respondent before the Additional District Munsif Court, Thanjavur was dismissed on 25.04.2023. Aggrieved by the same, the fourth respondent has filed A.S.No.29 of 2023 before the Principal Sub Court, Thanjavur. Whether the petition mentioned properties should be treated as cart track or not will be decided by the jurisdictional civil court.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

1.The District Collector,
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Thanjavur District.

2.The Revenue Divisional Officer,
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3.The Tahsildar,
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G.R.SWAMINATHAN, J.

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