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W.P.(MD) No.23299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.23299 of 2023
and
W.M.P.(MD) No.19502 of 2023**

Mani Bharathi

... Petitioner

-vs-

1.The District Collector
Karur District
Karur

2.Revenue Divisional Officer
Kulithalai
Karur District

3.The Thasildar
Kadavur
Karur District

4.Lelavathi

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus by calling for the entire records pertaining to the impugned proceedings of the second respondent in Na.Ka.A6/8938/2022, dated 25.03.2023 and quash the same as illegal and consequently direct the respondents 1 to 3 to allot Survey No.318/20 as a permanent place for burial ground of Andi Pandaram community by cancelling the land assignment dated 06.10.2006 granted in favour of the fourth respondent within a time stipulated by this Court.

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R3

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This writ petition is filed for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned proceedings of the second respondent, dated 25.03.2023, to quash the same as illegal and to direct the respondents 1 to 3 to allot Survey No.318/20 as a permanent place for burial ground for Andi Pandaram Community people by cancelling the



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assignment order dated 06.10.2006, by which the fourth respondent was given Patta.

2. The brief facts that are admitted by the petitioner are sufficient to dismiss this writ petition.

3. The petitioner claims that the property in Survey No.318/20 of Kulathur, Palaviduthi, Singampatti Post, Kadavur Taluk, Karur District, is used as a burial ground to bury the dead bodies of the members of Andi Pandaram Community of the locality for long number of years. Stating that the said land is assigned in favour of the fourth respondent illegally, the petitioner has filed this writ petition. It is admitted by the petitioner that the fourth respondent has filed a civil suit asserting title in respect of the subject property and for permanent injunction against him.

4. After a civil suit is filed by the fourth respondent as against the petitioner, the petitioner has approached this Court seeking to cancel the Patta, which was granted in favour of the fourth respondent and which is the basis for the suit filed by the fourth respondent as against the petitioner



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herein. The petitioner has approached this Court in a way to nonsuit the fourth respondent in the civil suit.

5. This Court cannot entertain parallel proceedings. Therefore, the writ petition is devoid of merits as the object of the petitioner behind the litigation is not fair. Hence, leaving it open to the petitioner to defend the suit filed by the fourth respondent or to make a counter claim, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

25.09.2023

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

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To:

- 1.The District Collector,
Karur District, Karur.
- 2.The Revenue Divisional Officer,
Kulithalai, Karur District.
- 3.The Thasildar,
Kadavur, Karur District.



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