



**W.P.(MD) Nos.10084 of 2012 and 11817 &
11818 of 2013**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD)Nos.10084 of 2012 and 11817 & 11818 of 2013
and M.P.(MD)Nos.1, 2 of 2012 1, 2, 1 & 2 of 2013**

W.P.(MD)No.10084 of 2012

Malaikozhunthu

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Thirupathur Taluk,

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- Thirupathur.
- 4.The Commissioner,
Singampuneri Panchayat Union,
Singampuneri, Thirupathur Taluk,
Sivagangai District.
- 5.The President,
Village Panchayat,
Vadavanpatty, Mallakottai Post,
Thirupathur Taluk, Sivagangai District.
- 6.The Sub Inspector of Police,
S.S. Kottai Police Station,
S.S.Kottai, Sivagangai District.
- 7.The Village Administrative Officer,
Vadavanpatty Village,
Mallakottai Post, Thirupathur Taluk,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice dated 16-06-2012 and subsequent impugned notice No.II dated 27-06-2012 issued by the 5th Respondent and to quash the same as illegal.

For Petitioner : Mr.M.Sathiamoorthy

For Respondent : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 to R3
R4 & R5-No Appearance
Mr.R.Meenakshi Sundaram,



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**W.P.(MD) Nos.10084 of 2012 and 11817 &
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Addl. Public Prosecutor for R6

W.P.(MD)Nos.11817 & 11818 of 2013

Sethupathy

... Petitioner in
W.P.(MD)No.11817/2013

Selvi A Malaikozhunthu

... Petitioner in
W.P.(MD)No.11818/2013

Vs.

- 1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 2.The Tahsildar / Executive Magistrate,
Thirupathur Taluk, Thirupathur,
Sivagnagai District.
- 3.The Block Development Officer,
Panchayat Union Office,
Singampuneri, Sivagangai District.
- 4.The Inspector of Police,
S.S.Kottai Police Station,
Sivangangai District.

... Respondents

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for both records of the impugned



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notice B1-MC-8/2012 dated 10.06.2013 passed by the 1st respondent on the basis of impugned final report No. 17/2012 dated 25.02.2012 by the 4th respondent in so far as it relates to the petitioner's rank A12 'B' party and 'A11 'B' party and quash the same as illegal, arbitrary and against the provisions of Section 107 of Criminal Procedure Code.

For Petitioner : Mr.M.Sathiamoorthy
For Respondent : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 to R3
Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor for R4

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

W.P.(MD)No.10084 of 2012 has been filed for issuance of a Writ of Certiorari, to call for the records of the impugned notice dated 16-06-2012 and subsequent impugned notice No.II dated 27-06-2012 issued by the 5th Respondent and to quash the same as illegal.



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2. W.P.(MD)Nos.11817 and 11818 of 2013 have been filed for issuance of a Writ of Certiorari, to call for both records of the impugned notice B1-MC-8/2012 dated 10.06.2013 passed by the 1st respondent on the basis of impugned final report No. 17/2012 dated 25.02.2012 by the 4th respondent in so far as it relates to the petitioners' rank A12 'B' party and 'A11 'B' party and quash the same as illegal, arbitrary and against the provisions of Section 107 of Criminal Procedure Code.

3. We have heard the learned counsel appearing for the petitioners, the learned Special Government Pleader and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the materials available on record.

4. On a perusal of the impugned orders, it is seen that through the impugned orders, the petitioners were asked to appear for enquiry with regard to the issue of pathway in Oorani, situated at Vadavanpatty in S.No.87/8. We are of



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the view that when the property in question is classified as 'Kudineer Oorani', we are not inclined to interfere with the impugned orders. Therefore, these Writ Petitions are liable to be dismissed.

5. Accordingly, these Writ Petitions are dismissed. The respondents shall act in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

10.01.2024

Neutral Citation: Yes / No
Index : Yes / No

vsm

To

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Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 3.The Tahsildar,



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Thirupathur Taluk, Thirupathur.

- 4.The Commissioner,
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Singampuneri, Thirupathur Taluk,
Sivagangai District.
- 5.The President,
Village Panchayat,
Vadavanpatty, Mallakottai Post,
Thirupathur Taluk, Sivagangai District.
- 6.The Sub Inspector of Police,
S.S. Kottai Police Station,
S.S.Kottai, Sivagangai District.
- 7.The Village Administrative Officer,
Vadavanpatty Village,
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Sivagangai District.
- 8.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 9.The Tahsildar / Executive Magistrate,
Thirupathur Taluk, Thirupathur,
Sivagnagai District.
- 10.The Block Development Officer,
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Sivangangai District.

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