



W.P(MD)No.4854 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4854 of 2024

and

W.M.P.(MD)No.4674 of 2024

Sarathkumar

... Petitioner

Vs.

1.The District Collector,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Taluk Office,
Ram Nagar,
Devakottai,
Sivagangai District.

4.The Village Administrative Officer,
Panagkulam Group, Panagkulam,
Devakottai Taluk, Sivagangai District.

5.The Revenue Inspector,
Taluk Office,
Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to



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4, their subordinates, officials or any other persons authorised under them from causing hindrance to the petitioner from enjoying the land situated in Survey No.180/33 to an extent of 0.00.92 Ares (2¼ cents) situated at Panagkulam Village, Thidakottai Post, Devakottai Taluk, Sivagangai District except under due process of law.

For Petitioner : Mr.C.Jeya Prakash

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner would claim that the petition mentioned land was enjoyed by his family. A photograph indicating some construction was produced before this Court. The petitioner would state that the earlier construction was pulled down and a new construction is sought to be put up and at this stage, the petitioner faced interference at the hands of the respondents.

3.The respondents would argue that the construction shown by the petitioner was actually meant for common enjoyment of the villagers and that it did not belong to the petitioner's family exclusively.



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4. These contentious aspects cannot be gone into in writ proceedings.

The petitioner will have to establish his case before the jurisdictional Civil Court. I grant liberty to the petitioner to file a civil suit. If any such suit is filed within a period of four weeks from the date of receipt of a copy of this order, it shall be entertained without reference to limitation and numbered also. All the contentions of the petitioner and defences of the authorities are left open. Since as on date, the petition mentioned land is a vacant site, it shall be maintained as such and the rights of the parties will abide by the outcome of the suit. If the petitioner succeeds in obtaining a declaration, it is the duty of the respondents to recognize the same by issuing natam patta. If the petitioner fails to file the the suit within the aforesaid period, the direction given in this order would cease to operate.

5. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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