



W.P(MD)No.7695 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7695 of 2024
and
W.M.P(MD)No.7046 of 2024

B.Bala Ganesan

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District.
- 2.The District Revenue Officer,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Sathur,
Virudhunagar District.
- 4.The Tahsildar,
Vempakottai,
Virudhunagar District.
- 5.The Block Development Officer,
Vempakottai Taluk,
Virudhunagar District.



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6.The President,
Keelanmarainadu Village Panchayat,
Vempakottai Taluk,
Virudhunagar District.

7.S.Saravanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 not to lay roads in the petitioner's patta lands situated at S.No.352, Valayapatti periyakulam, Keelanmaraiyanaadu Village, Virudhunagar District Compromised in Patta No.2533 and not to take any coercive steps till the final orders passed in pending civil suit in O.S.No.147 of 2023 on the file of the Learned Sub Court, Sivakasi by considering the petitioner's representation dated 18.03.2024 within time stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader
for R.1 to R.4

Mr.J.K.Jeyaseelan
Government Advocate
for R.5 & R.6

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4



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and the learned Government Advocate (Criminal Side) appearing for the respondents 5 and 6. Considering the nature of relief to be granted, issuance of notice to the private respondent is dispensed with.

2.The petitioner alleges that the authorities are laying pathway on his patta land.

3.The stand of the learned Special Government Pleader is that the FMB indicates the existence of a detail mark.

4.The learned counsel appearing for the petitioner would allege that in the old FMB there is no detail mark. In any event, it is the matter that should be decided only by the jurisdictional civil Courts. The petitioner has already filed O.S.No.147 of 2023 on the file of Sub Court, Sivakasi. The petitioner has to necessarily obtain relief only in the pending suit. The petitioner has filed I.A.No.3 of 2023.

5.The learned Sub judge is directed to dispose of the said IA on merits and in accordance with law on or before **19.04.2024**. Since the



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civil Court is seized of the matter, no steps shall be taken till then. If the petitioner fails to obtain any interim order before the civil Court, this restraint order will no longer operate. I make it clear that I have not gone into the merits of the matter.

6.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

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

Note: 1) Issue order copy on 02.04.2024.

2) Registry is directed to mark a copy of this order to the learned Sub Judge, Sivakasi.

To

- 1.The District Collector,
Virudhunagar District.
- 2.The District Revenue Officer,
Virudhunagar District.

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- 3.The Revenue Divisional Officer,
Sathur,
Virudhunagar District.
- 4.The Tahsildar,
Vempakottai,
Virudhunagar District.
- 5.The Block Development Officer,
Vempakottai Taluk,
Virudhunagar District.
- 6.The President,
Keelanmarainadu Village Panchayat,
Vempakottai Taluk,
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G.R.SWAMINATHAN, J.

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