



W.P(MD)No.11895 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11895 of 2024

and

W.M.P(MD)No.10602 of 2024

Nathappudayar

... Petitioner

Vs.

1.The Commissioner,
Manaparai Panchayat Union,
Trichy District.

2.The Block Development Officer,
Manaparai Union,
Trichy District.

3.Selva Arockiam
4.Arockiasamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to desist from put up road across or through the natham land in possession of the petitioner in Survey No. 799/1 and 801/2 in Muthapudayanpatti hamlet, Kannudayanpatti village, Manaparai Taluk, Trichirapally District by considering the petitioner's representations dated 30.01.2024 and 19.03.2024.



W.P(MD)No.11895 of 2024

For Petitioner : Mr.M.Karthikeya Venkitachalapathy
For Respondents : Mr.Om Prakash
Government Advocate
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

2.It is seen that the petitioner had earlier filed O.S.No.329 of 2009 before the Additional District Munsif Court, Manapparai in respect of the subject property. The District Collector is very much a party to the suit. The suit was dismissed on 01.04.2019. A.S.No.11 of 2021 was filed before the Sub Court, Manapparai. The petitioner has to necessarily work out his rights only in the pending first appeal. The petitioner has given liberty to file an Interlocutory Application seeking relief now sought for in the said appeal. If such an Interlocutory Application has not been already filed, the petitioner is permitted to file a fresh one. Such an Interlocutory Application shall be disposed of by the first appellate Court on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.



W.P(MD)No.11895 of 2024

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

07.06.2024

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

Note: 1) Issue order copy on 11.06.2024.

2) Note: Registry is directed to mark a copy of this order to the Sub Court, Manapparai.

To

- 1.The Commissioner,
Manaparai Panchayat Union,
Trichy District.
- 2.The Block Development Officer,
Manaparai Union,
Trichy District.

Copy to

The Additional District Munsif Court, Manapparai.



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G.R.SWAMINATHAN,J.

MGA

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