



W.P.(MD)No.21872 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21872 of 2024
and
W.M.P.(MD)Nos.18528 & 18529 of 2024

1.L.Lucca Raj @ Raju

2.Arumugasamy

3.Mariganesh

4.Ganapathi

5.A.Rajasekar

6.Paramaraj

7.N.Natarajan

8.Sankar

9.Ganesh

10.Thangapandian

11.P.Sivasailanathan

... Petitioners

Vs.



W.P.(MD)No.21872 of 2024

1. The State of Tamil Nadu,
Rep. By its Secretary to the Government
Department of Public Works,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Tirunelveli District,
Collectorate,
Tirunelveli.
3. The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.
4. The Assistant Engineer,
The Water Resource Organisation,
of the Public Works Department,
Irrigation Section,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order in Na.Ka.No. COLTNV/4721/2023-G3 dated 13-02-2024, on the file of 2nd respondent and quash the same and directing the respondents not to mutate the revenue record to classify the petitioner's land in Survey No. 66/1, 69/3B and 69/3B1, situated in Mukkudal Village, Cheranmahadevi Taluk, Tirunelveli District as Kulam after deleting the petitioner's name in the joint Patta No. 989 and 1468.

For Petitioner : Mr.R.Balaramesh
for Mr.D.Venkatachalam



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For Respondents

:Mr.Veerakathiravan
assisted by
Additional Advocate General
Mr.P.T.Thiraviyam
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by the learned Government Advocate for the respondents.

2. The petitioners herein questioned the Form III notice issued by the Assistant Engineer, WRO, Cheranmahadevi, Tirunelveli by filing W.P.(MD)No. 2403 of 2022 etc., batch. The said writ petitions were disposed of by this Court on 30.10.2023 by directing the District Collector, Tirunelveli to scrutinize the objections / explanations as well as the revenue record and pass a speaking order. Pursuant to the aforesaid direction, the District Collector, Tirunelveli passed the impugned order dated 13.02.2024. The same is questioned in the writ petition.

3. When the matter was taken up for hearing, it transpired that the



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petitioners herein have already invoked jurisdiction of the civil Court by filing civil suits. In fact, the civil suits have already been numbered as O.S.No.118, 119, 206 & 207 of 2024 on the file of the Sub Court, Ambasamuthram. When the matter was taken up for disposal, it transpired that out of the 11 persons, four of them have already invoked jurisdiction of the civil Court and filed the civil suits.

4. We are clearly of the view that this writ petition is not maintainable as far as those four persons are concerned. It is seen that factual aspects are involved. It is only just and proper that the remaining persons are relegated to move the jurisdictional civil Court for appropriate relief. The petitioners herein will have interim protection against dispossession for a period of eight weeks. Granting such liberty, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
08.11.2024

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

B.PUGALENDHI, J.

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