



W.P.(MD)No.26537 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.26537 of 2024

and

W.M.P.(MD)No.22497 of 2024

Kottaiyur yettukarai Vallamba Natars Trust,
Rep. by its Managing Trustee,
S.M.Kailash.

... Petitioner

/Vs./

- 1.The District Registrar,
Sivagangai District.
- 2.The Karaikudi Municipality,
Rep. by its Commissioner,
Municipal Office,
Karaikudi,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus directing the respondents herein, their men,



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servants or agents from in any manner interfering with the possession and enjoyment of the petitioner and in any way altering the physical features of petitioner's property of an extent of 80 cents in New T.S.No. 2140, Old T.S.No.511/1, Part Block No.53, Ward No.2 Sekkalaikottai Group, Karaikudi, Sivagangai District.

For Petitioner : Ms.AL.Gandhimathi

Senior Counsel

For Respondents : Mr.D.Gandhiraj (R1 & R3)

Special Government Pleader

Mr.D.Venkatesh (R2)

ORDER

This writ petition has been filed for a direction to the respondents not to interfere with the possession and enjoyment of the petitioner and in any way altering the physical features of the petitioner's property measuring to an extent of 80 cents in New T.S.No.2140, Old T.S.No. 511/1, Part Block No.53, Ward No.2 Sekkalaikottai Group, Karaikudi, Sivagangai District.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. Heard the learned counsel on either side and perused the materials placed before this Court.

4. The case of the petitioner is that the property in New T.S.No. 2140, Old T.S.No.511/1, Part Block No.53, Ward No.2, Sekkalaikottai Group, Karaikudi, Sivagangai District belongs to the petitioner, which was originally one among the properties belonging to Kottaiyur Nattars in common, by way of partition in O.S.No.72 of 1933 on the file of the Sub Court, Devakottai. There was a layout of plots and some portion of the lands was not subjected for partition and remained with Kottaiyur Nattars and it is in possession and enjoyment of the petitioner. While being so, the second respondent proposed to construct a overhead water tank in the subject land, as if the subject land is earmarked for park as per the layout in DTP No.67/72.

5. It is brought to the notice of this Court that one Nachiappan filed a public interest litigation in WP(MD)No.4753 of 2024 alleging that



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the subject land comprised in S.No.511/1 has been shown as reserved land in Kottaiyur Nattar layout and it is being maintained by the second respondent.

6. The learned counsel appearing for the second respondent would submit that the subject land is originally earmarked for park as per the approved layout in DTP No.67/72 and for that purpose, the authorities are going to construct a overhead water tank in the subject property.

7. The subject matter has already been seized up by the Hon'ble Division Bench of this Court in WP(MD)No.4753 of 2024, wherein, the petitioner is also one of the party respondents and the Division Bench of this Court has also passed an order of interim injunction not to interfere with the subject property. Hence, the petitioner cannot maintain this writ petition, since the very same issue has already been seized by the Hon'ble Division Bench of this Court. The petitioner can very well agitate the issue before the Hon'ble Division Bench of this Court in WP(MD)No. 4753 of 2024 and therefore, the prayer sought for in this writ petition cannot be considered and this writ petition is liable to be dismissed.



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Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The District Registrar,
Sivagangai District.
- 2.The Tahsildar,
Karaikudi,
Sivagangai District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.26537 of 2024

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