



WP(MD)No.29058 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 31.07.2024

Pronounced on : 08.08.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.29058 of 2023

and

WMP(MD)Nos.25102 & 25104 of 2023

1.M.Sonai Muthu

2.M.M.Muthu Nayagam

... Petitioners

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.The Executive Officer,
Arulmighu Kallalagar Thirukovil,
Alagarkovil, Madurai District.

5.K.Manimaran

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the respondent 1 to 5 from disturbing the peaceful possession of the petitioner over the property bearing old survey number 221/6 and new survey number 101/6A and 6B of Thenur Village II Bit, Madurai North Taluk and Madurai District and consequently direct the 4th respondent not to dispossess the petitioner without following the due process of law.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.K.Balasubramani,
Spl Government Pleader for R1 to R3

Mr.S.Manoharan for R4

Mr.C.M.Arumugam for R5

ORDER

Heard the learned counsel on either side.

2.Though the prayer in the writ petition has been couched as if relief is sought against all the five respondents, in a sense, the dispute is between the petitioner on the one hand and the fourth respondent on the other. The fifth respondent claims as a lessee under the fourth respondent. The petitioners in the affidavit filed in support of the writ petition claim that the petition



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mentioned property belonged to their ancestors and that it is in their uninterrupted possession and enjoyment of their family for more than a century. The petitioners claim is strongly contested by the respondents 4 and 5. The fourth respondent cannot be considered as a State instrumentality for the present purpose. Factual disputes are involved. It is only just and proper that the petitioner approaches the jurisdictional civil court for appropriate relief. The writ court is not the appropriate forum. It is made clear that I have not gone into the merits of the matter.

3.Granted liberty to the writ petitioners to move the jurisdictional civil court, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

08.08.2024

skm

To

- 1.The District Collector, Madurai District, Madurai.
- 2.The District Revenue Officer, Madurai District, Madurai.
- 3.The Tahsildar, Madurai North Taluk, Madurai.



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G.R.SWAMINATHAN, J.

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