



W.A(MD)No.595 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.595 of 2025

Chinnamuthu

... Appellant/Writ Petitioner

vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunaar District.
- 3.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.
- 4.The Village Administrative Officer,
S.Kallupatti Village,
Kariapatti Taluk,
Virudhunagar District.
- 5.The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

... Respondents/Respondents



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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.11.2024 made in W.P(MD)No.26932 of 2024 on the file of this Court.

For Appellant : Mr.T.Antony Arulraj

For RR 1 to 4 : Mr.S.S.Madhavan
Additional Government Pleader

For R – 5 : Mr.A.Albert James
Government Advocate (Criminal Side)

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU, J.)

The present Writ Appeal is directed against the order passed by the Writ Court dated 12.11.2024 made in W.P(MD)No.26932 of 2024.

2.Heard Mr.T.Antony Arul Raj, learned counsel appearing for the appellant, Mr.S.S.Madhavan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.A.Albert James, learned Government Advocate (Criminal Side) appearing for the fifth respondent and perused the materials available on record.



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3.The appellant/writ petitioner filed the Writ Petition for a direction directing the respondents 1 to 3 to pay a sum of Rs.1,00,000/- as compensation for the damages caused in the property in Survey No.180/7A of S.Kallupatti Village, Kariapatti Taluk,, Virudhunagar District, wherein, the writ Court by order dated 12.11.2024, dismissed the Writ Petition stating that the fencing put up by the writ petitioner by obstructing the general public to use the nilavial paathai has been rightly removed by the respondents. Challenging the same, the appellant as writ petitioner has filed the present Writ Appeal.

3.The learned counsel appearing for the appellant/writ petitioner submits that the appellant owns a patta land in Survey Nos.180/7A and 181/15 of S.Kallupatti Village, Kariappatti Taluk, Virudhunagar District. The patta bearing No.383 stands in his name in respect of the said property. While being so, the respondents 1 to 3 interfered with his peaceful possession and enjoyment over the said property. Therefore, the petitioner filed a writ petition in W.P.(MD) No.8818 of 2023, wherein the writ Court directed the revenue authorities to survey the land in Survey No.180/7A and fix boundaries. Even then, the petitioner's peaceful



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possession and enjoyment over the subject property was disturbed and therefore, he once again filed W.P(MD) No.22397 of 2023 seeking a direction to the Police personnel not to interfere in the civil dispute in respect of the subject property. The said writ petition was closed by order dated 27.06.2024 by recording the statement of the respondent – Police that they have provided police protection for the purpose of conducting survey. While that being so, on 03.10.2024, the respondents 3 and 4 with the aid of the fifth respondent – Police have removed the stone fencing put up by the petitioner in and around the subject land.

4.It is stated by the learned counsel appearing for the appellant that with regard to the similar issue in the Writ Petition, the alleged encroachers filed a suit in O.S.No.56 of 2013 on the file of the District Munsif Court, Aruppukottai for declaration and the same was dismissed. As against which, appeal suit has been filed in A.S.No.39 of 2020 on the file of the Sub Court, Aruppukkottai and the same is pending. Further, with regard to the similar issue, O.S.Nos.137 and 112 of 2022 on the file of the District Munsif Court, Aurppukottai for declaration are pending. Hence, Appeal Suit No.39 of 2020 and O.S.Nos.137 and 112 of 2022 on the file of the District Munsif Court, Aruppukottai may be disposed of



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5.Considering the facts and circumstances of the case, the Sub Court, Aruppukottai is directed to dispose of the Appeal Suit No.39 of 2020 and the District Munsif Court, Aruppukottai is directed to dispose of the suits in O.S.Nos. 137 and 112 of 2022 on the file of the District Munsif Court, Aruppukottai, without being influenced by the order passed by the writ Court, as expeditiously as possible.

6.With the above observation, this Writ Appeal is disposed of. There shall be no order as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
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NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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ORDER MADE IN
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