



W.P(MD)No.6263 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.6263 of 2025
and
W.M.P.(MD) Nos.4612, 4613 & 7169 of 2025**

Tamil Selvi

... Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

4. The Tahsildar,
Office of the Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

5. T.R.Rajan

... Respondents



W.P(MD)No.6263 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the impugned order in Na.Ka.G2/L-11/45/2024 dated 12.02.2025 issued by the 2nd respondent and quash the same as illegal.

For Petitioner : Mr. P.Samuel Gunasingh
For Respondent : Mr.S.P.Maharajan (R1 to R4)
Special Government Pleader
: Mr.N.Anantha Padmanabhan (R5)
Senior Counsel
For M/s.APN Law Associates

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The order of the District Revenue Officer, Virudhanagar in proceeding dated 12.02.2025 is sought to be assailed in the present writ proceedings.

2.Pertinently, two writ petitions were filed between the parties, one in WP(MD).No.10666 of 2024 was filed by the fifth respondent seeking a direction to restore the cart track found in S.Nos.51, 54, 61, 63, 64, 65, 66, 94 of K. Chettikulam Village. This Court directed the revenue



W.P(MD)No.6263 of 2025

WEB COPY

authorities to undertake a survey of the land in question by affording opportunity to the parties and in the event of identifying any encroachment, remove the same in accordance with law. Another writ petition was filed in WP(MD).No.20515 of 2024 by the writ petitioner, challenging the order of the Tahsildar, dated 01.08.2024. This Court passed an order on 23.10.2024, directing the District Revenue Officer, Virudhanagar to conduct a proper enquiry based on the revenue records and ascertain as to the existence or otherwise of the detailed cart track. In pursuance of the orders of the Hon'ble Division Bench of this Court, the District Revenue Officer, Virudhanagar, conducted an enquiry by affording an opportunity to all the parties and detailed adjudication was done. The District Revenue Officer considered the statement of the petitioner, wherein, the petitioner admitted the existence of Nilaviyal pathai and that she will not encroach upon the said Nilaviyal pathai. However, in view of Revenue Standing Order 26(15) (RSO 26(15)), having aggrieved the petitioner has chosen to challenge the said order.

3.The learned counsel for the petitioner would submit that the statement was obtained by coercion.



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4. The learned Senior Counsel appearing on behalf of the fifth respondent would oppose by stating that it is not only the statement given by the petitioner but also the revenue records show that it is a Nilaviyal pathai and since the revenue records show that it is Nilaviyal pathai, the order of the District Revenue Officer is to be sustained.

5. At this juncture, the learned counsel for the petitioner would made a submission that the petitioner may be permitted to prefer an appeal before the Commissioner of Land Administration.

6. Since the statutory appeal is permitted, there is no impediment for the petitioner to prefer an appeal before the Commissioner of Land Administration to test the correctness of the order passed by the District Revenue Officer, Virudhanagar. However, the High Court in exercise of the powers of judicial review cannot adjudicate the disputed facts when the efficacious statutory remedy is contemplated.



W.P(MD)No.6263 of 2025

WEB COPY

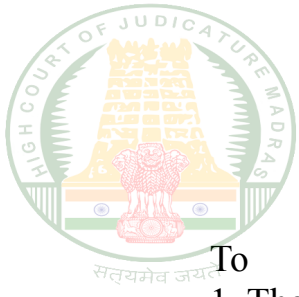
7. Adjudication of the facts by the Appellate Authorities are of paramount important, which would be a greater assistance to the High Court for the purpose of exercise the powers of judicial review in an effective manner.

8. Granting liberty to the petitioner to approach the appellate authority, the present writ petition stands dismissed. In the event of preferring an appeal, the period during which the writ petition was pending before the High Court, is to be taken into consideration for the purpose of condoning the delay if any. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [G.A.M., J.]
13.06.2025

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

LR



W.P(MD)No.6263 of 2025

To

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