



W.P.(MD) No.6234 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.6234 of 2022

Karuppaiyah

... Petitioner

Vs.

1.The Additional Chief Secretary/
Commissioner of Land Survey & Settlement,
Land Survey Department,
Chepauk, Chennai-600 005.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, forbearing the fourth
respondent and his men from interfering with the possession and



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occupation of the petitioner in the land in Survey No.66/1 of Mathur Village, Group, Karaikudi Taluk, Sivagangai District, to the extent of 6.67 Acres and not cause any disturbance.

For Petitioner : Mr.V.Kannan

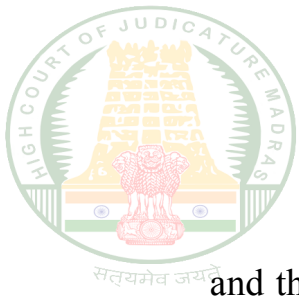
For Respondents : Mrs.K.Malathi
Additional Government Pleader

ORDER

This writ petition is filed seeking the issuance of a writ of mandamus, forbearing the fourth respondent and his men from interfering with the possession and occupation of the petitioner in the land situated in Survey No.66/1, Mathur Village, Karaikudi Taluk, Sivagangai District, with an extent of 6.67 Acres.

2.Heard the arguments of Mr.V.Kannan, learned counsel appearing for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents.

3.It is seen from the affidavit filed in support of the writ petition



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and the typed set of papers that the petitioner filed an application before the first respondent seeking issuance of patta in respect of the above mentioned land. The request of the petitioner was rejected by the first respondent, mainly on the ground that the subject property was classified as water body. Challenging the said order passed by the first respondent, the petitioner herein filed a writ petition in W.P(MD) No.17817 of 2019. According to the petitioner, when the said writ petition was pending, the fourth respondent attempted to interfere with his possession. Therefore, the instant writ petition has been filed with the above mentioned prayer.

4. When the writ petition filed by the petitioner challenging the order passed by the first respondent rejecting his request for issuance of patta in respect of the subject property is pending, it is for the petitioner to workout his remedy by filing an appropriate interim application in the said pending writ petition. This Court is not inclined to entertain the separate writ petition filed by the petitioner seeking a restrain order against the fourth respondent. Further, in the writ petition, this Court cannot go into the disputed question of fact with regard to the possession and enjoyment of the petitioner. If at all, it is for the petitioner to



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workout his remedy either by filing an appropriate interim application in the pending writ petition or by moving the Civil Court. Accordingly, this Writ Petition stands dismissed. No costs.

06.06.2025

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

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Commissioner of Land Survey & Settlement,
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Chepauk, Chennai-600 005.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai,
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S.SOUNTHAR,J

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