



W.P.(MD)No.10682 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.10682 of 2025

and

W.M.P(MD)No.7939 of 2025

V.Kiruba Rajakumar

.... Petitioner

/Vs/

1. The District Revenue Officer
Virudhunagar.

2. The Assistant Commissioner
Tamilnadu Hindu Religious and Charitable
Endowment Department, Virudhunagar.

3. The Fit Person
Arulmigu Ramalinga Vinayagar Temple,
Ramanujapuram Village, Having Office at
Arulmigu Chokkanathaswamy Temple,
Aruppukottai, Virudhunagar

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to permit the petitioner to withdraw the proceedings in Na.Ka.No.AA2/33146/2018 with liberty to work out the remedy before the District Munsif Court , Aruppukottai in the unnumbered suit in O.S.No. /2024 as there is dispute



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of title in respect of the property comprised in S.No.213/5 to an extent of 1 acre 36 cents alternately 59296 Square Feet Kovilankulam Village , Aruppukottai, Virudhunagar District.

For Petitioner	: Mr.R.G.Shankar Ganesh
For R1 & R2	: Mr.M.Lingadurai Special Government Pleader
For R3	: Mr.P.Mahendran

ORDER

I have heard Mr.R.G.Shankar Ganesh, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.P.Mahendran, learned counsel appearing for the third respondent.

2. The learned counsel for the petitioner submits that though this writ petitioner approached this Court seeking expeditious disposal of the pending proceedings before the first respondent, the said writ petition also being allowed, subsequently, realising that there is a title dispute, the petitioner opted to withdraw the proceedings and move the competent Civil Court.



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3. The grievance of the petitioner is that the first respondent is not permitting the petitioner to withdraw the proceedings pending before him. He has, therefore, approached this Court seeking issuance of a Writ of Mandamus.

4. Per contra, the learned counsel appearing for the third respondent would submit that the petitioner has never made a request seeking withdrawal of the proceedings before the District Revenue Officer and the proceedings are pending right from 2018 and the petitioner is only dragging the matter unnecessarily. He would therefore object for any relief being granted to the writ petitioner.

5. The petitioner admittedly had moved an application before the first respondent. Pending the same, he also chose to file a writ petition in W.P.(MD)No.10143 of 2024. This Court by an order dated 25.04.2024 directed the appeal of the petitioner pending before the first respondent to be disposed of expeditiously. Now, the petitioner intends to withdraw the proceedings with liberty to work out his remedy before the District Munsif Court, Aruppukottai, where the petitioner has already filed a suit



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as the petitioner having approached the first respondent. The petitioner is the *dominus litis* and he is entitled to decide as to whether he wants to continue the proceedings or withdraw the same. The third respondent's objections that the petitioner having approached this Court and sought for directions, cannot be permitted to withdraw the proceedings and *moreso* since the proceedings are pending for past 7 years, cannot be countenanced for the simple reason that the petitioner is the master of the *lis* and the petitioner has already filed a civil suit seeking to redress his grievance. The petitioner can always opt to withdraw the proceedings on the file of the first respondent, so long as there are no adverse orders that have been passed by the first respondent prejudicing the interest of the third respondent.

6. Admittedly, it is not the case of the respondents that any orders have been passed pending the proceedings and that permitting withdrawal of the appeal before the first respondent would seriously prejudice the interest of the third respondent.



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7. In view of the above, I see no impediment for permitting the petitioner to withdraw the proceedings before the first respondent. In view of the above, the writ petition is allowed and the petitioner shall be permitted by the first respondent to withdraw the proceedings pending on the file of the first respondent. The petitioner has arrayed the third respondent as a party in the pending suit in O.S.No.41 of 2025 before the District Munsif Court, Aruppukottai. In view of the above, the parties shall work out their remedy before the District Munsif Court, Aruppukottai in the pending suit in O.S.No.41 of 2025. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

NCC : Yes / No

am

16.04.2025

To

1. The District Revenue Officer
Virudhunagar.
2. The Assistant Commissioner
Tamilnadu Hindu Religious and Charitable
Endowment Department, Virudhunagar.

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P.B. BALAJI, J.
am

Order made in
W.P.(MD)No.10682 of 2025

Dated:
16.04.2025