



W.A.(MD)No.2372 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.2372 of 2024

&

C.M.P.(MD)No.16463 of 2024

V.Kuttiraja

... Appellant

-Vs-

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.

3.The Tahsildar,
O/o.Tahsildar,
Sivagiri, Tenkasi District.

4.The Block Development Officer,
Town Panchayat Office,
Sivagiri, Tenkasi District.

5.The Executive Officer,
Sivagiri Town Panchayat,
Tenkasi.

... Respondents



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 10.07.2024 made in W.P.(MD)No.30054 of 2023 on the file of this Court.

For Appellant : M/s.R.Sripriya

For Respondents : Mr.S.Shaji Bino,

Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

This Writ Appeal is directed against the order of this Court dated 10.07.2024 made in W.P.(MD)No.30054 of 2023.

2.The appellant / writ petitioner has filed the said Writ Petition, directing the respondents not to make any changes or construction of building or alterations to the land in Survey No.627/1821 to an extent of 71 cents situated at Sivagiri Part-II Village, Sivagiri Taluk, Tenkasi District, which belongs to the appellant / writ petitioner. However, he is not having any patta in his favour and therefore, he has enclosed copy of chitta standing in the name of Senthatti Kalaipandiyanar.



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3.The Writ Court, after hearing the learned counsel on either side and perusing the records, dismissed the said Writ Petition, observing that the writ petitioner has to necessarily establish his claim only before the jurisdictional civil Court, since the relationship between the writ petitioner and the said Senthatti Kalaipandiyanar is not known. Challenging the same, the appellant has filed this Writ Appeal.

4.Today, when the matter is taken up for hearing, the learned counsel for the appellant would submit that already final decree proceedings in O.S.No.26 of 1956 is pending before the Sub Court, Tirunelveli and the appellant may be permitted to implead the District Collector, Tirunelveli as a party to the said suit and proceed in accordance with law.

5.In view of the above, granting such liberty to the appellant, this Writ Appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
19.03.2025

NCC : Yes / No
Index : Yes / No
Yuva



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