



W.P.(MD)No.28162 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.28162 of 2022

1.T.Mariappan

2.M.Mariappan

3.V.Vettu Perumal

4.D.Ganesan

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Tenkasi-627 811.

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

3.The Revenue Divisional Officer,
Sankarankovil Taluk,
Tenkasi District.

4.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

5.M.Thirumalaisamy



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6.M.Kadarkarai

WEB 7.M.Chitiraikani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ni.Mu.A2/1665/2020, dated 16.02.2021 on the file of the respondent no.3 and the consequential impugned order in Na.Ka.H2-COLR-4566-2022 (A2-Si.Ma.1-2021), dated 27.09.2022 on the file of the respondent no.2 and quash the same as illegal and consequentially directing the respondent no.4 to restore the names of the petitioners in the Joint Patta within a time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil

For R1 – R4 : Mr.C.Satheesh
Government Advocate

For R5 : Mr.R.J.Karthick

ORDER

The learned counsel appearing for the petitioners submits that the petitioner may be given liberty to approach the competent Civil Court to establish his right in respect of 10 cents out of the larger extent of 38 cents. He also submits that subject to the outcome of the civil suit proposed to be filed by the writ petitioners, survey in respect of the said 10 cents may be undertaken.



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2. The learned counsel appearing for the respondents 5 to 7 would submit that under the guise of taking liberty from this Court, the petitioner should not delay filing of civil suit to establish his right which would seriously impact the right of the private respondents to have the survey conducted.

3. Considering the above, this writ petition is disposed of, giving liberty to the petitioner to establish the title before the competent Civil Court. If the suit is not filed within a period of four (4) months from the date of receipt of copy of this order, then it shall be open to the private respondents to proceed with their application for survey, and the survey authorities shall act on the same, in accordance with law.

4. In view of the above, this Writ Petition stands disposed of. No costs.

19.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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P.B.BALAJI, J.

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