



W.A.(MD) No.2635 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD) No.2635 of 2024

S.Marikannan

... Appellant

-vs-

1.The District Collector
District Collector Office
Sivagangai

2.The Revenue Divisional Officer
Divisional Office
Manamadurai
Sivagangai District

3.The Tashildar
Thashildar Office
Manamadurai
Sivagangai District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.09.2024, passed in W.P.(MD) No.22608 of 2024, on the file of this Court.



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For Appellant : Mr.G.Ravisankar

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

Challenging the order dated 25.09.2024, dismissing the writ petition filed by the appellant herein in W.P.(MD) No.22608 of 2024 seeking for a direction to the second respondent to dispose of the representation dated 20.08.2024 in accordance with law, the writ petitioner has filed this writ appeal.

2. The learned Single Judge has considered the rival submissions of the parties and rendered a finding that on an earlier occasion, the appellant's brother filed a writ petition before this Court in W.P.(MD) No.891 of 2024, wherein this Court has clearly held that as both the parties are not ready to resolve their dispute, they were directed to approach the Civil Court.

3. Pursuant to the said direction, it appears that a suit has been filed by the appellant herein in O.S.No.18 of 2023, before the learned District



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Munsif, Manamadurai against his brother Ganaya. Admittedly, in the said suit, there is no interim order of injunction. Learned counsel for the appellant drew our attention to the order, dated 30.01.2020, passed by the learned Principal District Munsif, Manamadurai, in I.A.No.2 of 2019 in O.S.No.83 of 2019. However, in the said suit i.e. O.S.No.83 of 2019 his brother is sailing with the appellant and he is one of the plaintiffs and no revenue officials have been arrayed as party defendants. But, in the suit in O.S.No.18 of 2023 filed by the appellant herein, his brother is arrayed as one of the defendants and the revenue officials have also been arrayed as defendants and in the said suit, no interim injunction has been granted. Hence, we are not appreciating the jingling of the submissions of the learned counsel for the appellant.

4. The learned Single Judge has rightly observed that the appellant wants to achieve what he could not achieve before the Civil Court. The claim of the appellant that he is cultivating the subject land and others are trying to interfere with the same has to be gone into only by the Civil Court and hence, the learned Single Judge has rightly observed that the parties shall establish their respective rights before the competent Civil Court. We do not find any merit in this appeal.



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5. Accordingly, this writ appeal is dismissed. Since there is an order of undertaking by the appellant's brother in W.P.(MD) No.891 of 2024, liberty is granted to the appellant herein to agitate the same and put forward his contentions before the learned Principal District Munsif, Manamadurai in the pending O.S.No.18 of 2023 and the same shall be considered by the Trial Court and said suit shall be disposed of as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this Judgment. No costs.

[T.K.R., J.]

[N.S., J.]

02.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note to Office:

Mark a copy of this Judgment to the
Principal District Munsif, Manamadurai

krk

To:

- 1.The District Collector,
District Collector Office,
Sivagangai.



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- 2.The Revenue Divisional Officer,
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- 3.The Tashildar,
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RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

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