



W.P.(MD)No.28904 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.28904 of 2024

and

W.M.P(MD)No.24486 of 2024

Revathi Mathu

... Petitioner

.Vs.

- 1.The Tahsildar,
Thirumangalam,
Taluk Office Complex,
Virudhunagar Road,
Thirumangalam,
Madurai-625 706.
- 2.The Deputy Tahsildar,
Thirumangalam,
Taluk Office Complex,
Virudhunagar Road,
Thirumangalam,
Madurai-625 706.
- 3.The Village Administrative Officer,
Urappanor Bit-1,
Thirumangalam,
Madurai District,
Tamil Nadu.



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4.The Taluk Surveyor,
Thirumangalam,
Taluk Office Complex,
Virudhunagar Road,
Thirumangalam,
Madurai-625 706.

5.B.Meera

6.C.Karthick

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records comprised in Ni.Mu.683/2024/A3, dated 27.09.2024 on the file of the first respondent and quash the same as arbitrary and illegal.

For Petitioner : Mr.Raguvaran Gopalan

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R4

Mr.M.Rajaraman for R5 & R6

ORDER

The Writ Petition challenges the order of the Tahsildar,
Thirumangalam, dated 27.09.2024.



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2.Heard Mr.Raguvaran Gopalan, learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the respondents 1 to 4 and Mr.M.Rajaraman, learned counsel appearing for the respondents 5 and 6.

3.The learned counsel for the petitioner would invite my attention to the impugned proceedings dated 27.09.2024 in and whereby the Tahsildar, Thirumangalam, has actually granted a partition decree, clearly beyond his jurisdiction. Admittedly, even according to the learned counsel for the writ petitioner and the contesting respondents 5 and 6, there is a suit for partition pending in O.S.No.249 of 2024 before the District Court, Madurai.

4.In view of the above, the order dated 27.09.2024 insofar as clause No.4 is set aside. Insofar as clause Nos.1 to 3, in view of the fair concession of the learned counsel for the petitioner that the said order need not be interfered with as the contesting respondents are entitled to the respective rights declared therein, the said order of the Tahsildar insofar as clauses 1 to 3 is sustained and clause No.4 alone is set aside.



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5.The learned counsel for the fifth respondent would seek for a direction to dispose of the suit in O.S.No.249 of 2024 within a time frame.

6.The learned counsel for the petitioner submits that the suit is only in the stage of service of summons.

7.Considering the above, the I Additional District Court, Madurai is directed to dispose of the suit in O.S.No.249 of 2024, expeditiously.

8.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
sjj

03.02.2025



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Copy to

The I Additional District Court, Madurai.



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P.B.BALAJI,J.

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