



W.P.(MD) No.27058 of 2025

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 12.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.27058 of 2025

and

W.M.P.(MD) Nos.20991, 20992, 20996 & 20997 of 2025

M.Sankaranarayanan

... Petitioner

Vs

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Revenue Divisional Officer,
Sankarankovil Revenue Division,
Sankarankovil-627 756
Tenkasi District.

3. The Tahsildhar,,
Sankarankovil Taluk,
Sankarankovil-627 756.
Tenkasi District.

4. The Assistant Director,
Geology and Mining,
Tenkasi District,
Tenkasi.

5. G.Muppidathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order passed by the fourth respondent



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vide to Rc.No.M3/21484/2019, dated 20-06-2024, and quash the same, as void and thereby directing the respondents 1 to 3 to add this petitioner and his siblings name as joint pattadars of the said land 6-24 hecs in S.No. 151, in Vadikottai Revenue Village in Sankarankovil Taluk in Tenkasi District.

For Petitioner : Mr. F.X.Eugene
For Respondents : Mr.A.Oliraja
Government Advocate for R1 to R4
Mr.R.J.Karthick for R5

ORDER

This Writ Petition is filed challenging the impugned order dated 20.06.2024 regarding the issuance of licence by the fourth respondent in favour of the fifth respondent.

2. The learned counsel for the petitioner would submit that there is a partition suit pending between the petitioner and the vendor of the fifth respondent. The petitioner is also the co-sharer of the subject property. Though the petitioner has sent a representation to the official respondents not to grant licence to the fifth respondent stating that a partition suit is pending, the official respondents issued licence. After issuance of licence, the fifth respondent is excavating soil and blue metal from the land. Under these circumstances, the petitioner filed a Writ Petition in



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with liberty to challenge the licence issued to the fifth respondent.

Hence, this petition.

3. The learned Government Advocate for the respondent 1 to 4 would submit that the fifth respondent has right over the property as the revenue records are standing in his name and hence, the licence was granted to him. If the petitioner has right over the property, the petitioner has to approach civil court to establish his rights and obtain an interim order. He would further submit that merely issuance of licence will not give any right to the fifth respondent and will not affect the right of the petitioner. The petitioner can approach the civil court to establish his rights over the subject property.

4. I have heard the submission made by both sides and perused the materials available on record.

5. In the present case, it is an admitted fact that the petitioner and the fifth respondent are the joint owners of the subject property and in this regard, a partition suit is also pending before the civil court and



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preliminary decree was granted in favour of the petitioner and further, final decree application is also pending. In these circumstances, the grievance of the petitioner is that based on the licence granted to the fifth respondent, he is excavating soil and blue metal from the subject property, in which case the rights of the petitioner would be affected. Further, merely because the revenue records are in the name of the fifth respondent, it cannot be construed that he is the absolute owner. In these circumstances, this Court is of the view that the matter is not maintainable under Writ jurisdiction and ultimately civil court has to decide the rights over the subject property. During such time, if the blue metal is taken away, the said portion can be allotted to the fifth respondent if it is not aggrieved by the petitioner.

6. With these observations, this Writ Petition is dismissed with liberty to the petitioner to approach appropriate civil court. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
apd



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KRISHNAN RAMASAMY, J.

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