

W.A(MD)No.564 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.564 of 2025
and
CMP(MD)Nos.4268 and 4395 of 2025**

A.Arunachalam

... Appellant

VS.

1. S.Udayar

2. The District Collector,
Thoothukudi District,
Thoothukudi.

3. The Block Development Officer,
Kovilpatti Block,
Kovilpatti,
Thoothukudi District.

4. The Executive Officer/president,
Chidambarapuram Village Panchayat,
Kovilpatti Panchayat Union,
Thoothukudi District.

5. A.Unnamalai

... Respondents



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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 29.01.2024 made in W.P(MD)No.27821 of 2022.

For Appellant : Mrs.P.Jessi Jeeva Priya
For R2 to R4 : Mr.M.Sarangan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 29.01.2024 made in W.P(MD)No.27821 of 2022.

2. Today, when the writ appeal was taken up for hearing, learned Additional Government Pleader appearing for the official respondents would submit that the appellant is a third party. Against the very same impugned order dated 29.01.2024 made in W.P(MD)No. 27821 of 2022, 4th respondent in the writ petition namely, A.Unnamalai had filed W.A(MD)No.1087 of 2024, and the Division Bench by judgment dated 02.07.2024 has disposing of the said writ appeal. The relevant passage of the judgment reads as under:-



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"6. Insofar as the land in question, that is, Survey No.144/2 is concerned, it is the claim of the Government that, it is the Government poramboke land. If any contra claim comes from the appellant, for which, documents have to be produced and moreover, if there has been a dispute with regard to the title over the property, naturally, the parties have to be relegated to the Civil Court to establish their right and get a declaratory decree. Until such time, the status quo in respect of the property has to be maintained that, it belongs to the Government, where, only, the Government authorities want to lay the pipeline to supply drinking water to the 1st respondent.

7. This position since has been considered by the learned Judge and the aforestated order since has been passed, we do not find any error in the said approach of the learned Writ Court and the conclusion arrived at by the learned Judge in the impugned order.

8. Assuming that the appellant can have a lawful claim over the property, for which, if he wants to approach the Civil Court, it is open to him to approach the Civil Court to get a declaratory decree, but in the meanwhile, if any pipe is laid in the subject land, that is, Survey No.144/2 is concerned, that would be subject to the outcome of the decision to be made by the Civil Court, where, if any such civil suit is filed by the appellant at a later point of time. With that condition, necessary laying of pipeline work can be undertaken by the official respondents for providing drinking water to the 1st



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respondent as well as any inhabitants in the locality.

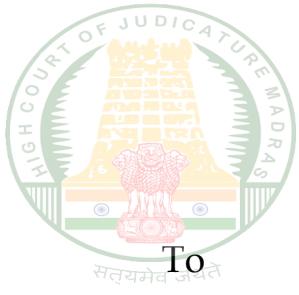
WEB COPY 9. *With this modified observation and direction, the Writ Appeal is disposed of. No costs.'*

3. Therefore, the learned Additional Government Pleader would state that this appeal will also meet the same fate. At this juncture, learned counsel for the appellant sought liberty to file review application against the abovesaid order dated 02.07.2024 made in W.A(MD)No.1087 of 2024.

4. Granting such liberty, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B, J.] [S.S.Y, J.]
24.03.2025

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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