



W.P.(MD) No.3441 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.3441 of 2023

Muneeshwaran

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Ramanathapuram District.
- 3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.
- 4.The Block Development Officer,
Office of the Block Development Officer,
Mandapam,
Ramanathapuram District.
- 5.The Village Administrative Officer,
Office of the Village Administrative Officer,
Karan Village,
Ramanathapuram District.



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6.The Village President,
Kaaran Village,
Ramanathapuram District.

7.Suyamburaja

8.Pavithra

9.Palraj

10.Raja

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 6 to remove the illegal encroachments created by the respondents 7 to 10 in Government poramboke land at Karan Village Survey No.129/15 at Ramanathapuram Taluk, Ramanathapuram District extends to 0.9.50 ares on the basis of the petitioner's representation, dated 09.01.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R3 & R5

: Mr.N.Nirmalkumar for R4 to R6

: Mr.M.Jerin Methew for R7 to R10



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents 1 to 6 to remove the illegal encroachments created by the respondents 7 to 10 in Government poramboke land at Kaaran Village in S.No. 129/15 in Ramanathapuram Taluk, Ramanathapuram District.

2. According to the petitioner, an extent of 9.50 ares is the Government poramboke and that the private respondents have encroached the property particularly in S.No.129/15.

3. The learned counsel appearing on behalf of the private respondents has now produced the Judgment and Decree before this Court stating that a suit was filed in O.S.No.181 of 1996 before the learned Principal District Munsif Court, Ramanathapuram for declaration of plaintiffs' title to the suit properties and for consequential injunction as against the State as well as the Revenue Tashildar.



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4. It is seen that the suit was decreed holding that the plaintiffs have established the title to the suit properties, which includes the property in S.No. 129/15 in Kaaran Village, Ramanathapuram Taluk, Ramanathapuram District. Despite the Civil Court decree produced before this Court, neither the petitioner's counsel nor the learned Special Government Pleader have come forward to produce any other material to show that the said Judgment and Decree is not pertaining to the property which is subject matter of the writ petition. Since the private respondents have obtained decree declaring the title to the suit property in dispute in favour of private respondents, this Court finds that the writ petition is totally misconceived and therefore, it is dismissed. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

28.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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- 3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.
- 4.The Village Administrative Officer,
Office of the Village Administrative Officer,
Karan Village,
Ramanathapuram District.



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