



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P. (MD) No.14999 of 2015

and

M.P (MD) .No.1 of 2015

Pitchai

.. Petitioner

Vs.

The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to impugned order in Na.Ka.A7/649/2015, dated 13.08.2015 passed by the respondent/Tahsildar, Kalaiyarkovil, Sivagangai District and quash the same.

For Petitioner

: Mr.S.Pugalenth

For respondent

: Mr.A.K.Baskarapandian

Special Government Pleader

ORDER

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

The petitioner has come out with this Writ Petition, challenging the notice issued by the Tahsildar, Kalaiyarkovil, Sivagangai District, under the Land Encroachment Act, initiating action to remove the petitioner from the possession of the property in Survey No.32/38 at Aniyavayal Village.

2. The petitioner states that he is the absolute owner of the property, as the land has been classified as Natham land. In our considered view, if it is a private land, it is for the petitioner to approach the Civil Court to establish his title and to get the Thasildar restrained from disturbing his possession. This Court cannot go into the above disputed question of fact, when the Government claims that it is a poramboke land. The dispute is purely civil in nature and therefore, the same has to be resolved only before the civil Court.



4. Accordingly, this Writ Petition fails and the same is, accordingly, dismissed. Consequently, connected Miscellaneous Petition is closed. No Costs.

sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

PJL/RR

To

The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

+one cc to The Special Government Pleader, SR.No.40538

ORDER MADE IN
W.P. (MD) No.14999 of 2015
and M.P (MD) .No.1 of 2015
20.08.2015

CSL/AN-MP/SAR J/09.09.2015
2P/3C