



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

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**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**

**W.P. (MD)No.9272 of 2011**

**and**

**M.P. (MD)No.1 of 2011**

S.Kameshwari

: Petitioner

Vs.

1.The District Collector,  
Sivaganga District.

2.The Tahsildar,  
Manamadurai Taluk,  
Sivaganga District.

3.The Assistant Engineer,  
Public Works Department,  
(Water Resources Organisation),  
Irrigation Section No.2,  
Thirupuvanam,  
Sivaganga District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the second respondent herein to survey the punja lands in S.Nos.129/1B covering extent of 3.30.0 Hectares S.F.No.129/2A covering extent of 2.43.0 hectares, S.F.No.129/1E covering extent of 8.37.0 Hectares, S.F.No.134/1, covering extent of 0.54.0 hectares and S.F.No.129/2B covering extent of 3.88.5 hectares at Theli Village, Manamadurai Taluk, Sivaganga District and fix boundaries of the same and further, to restrain the third respondent from interfering in the petitioner's possession and enjoyment of the above said properties.

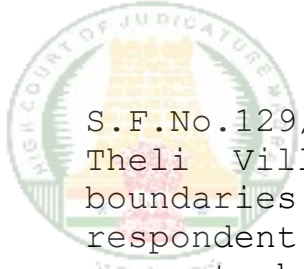
For Petitioner

: Mr.R.Suresh Kumar

For Respondents

: Mr.Aayiram K.Selvakumar,  
Government Advocate

**ORDER**



S.F.No.129/2A, S.F.No.129/1E, S.F.No.134/1 and S.F.No.129/2B at Theli Village, Manamadurai Taluk, Sivaganga District and fix boundaries. There is a consequential prayer to restrain the third respondent from interfering in the peaceful possession of the property by the petitioner.

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2. The learned counsel for the petitioner submitted that during the currency of this Writ Petition, the second respondent measured the property. In view of the subsequent events, nothing survives for adjudication with respect to the first prayer is concerned. There is a second prayer to restrain the third respondent from interfering in the peaceful possession and enjoyment of the property by the petitioner.

3. Writ of Mandamus is not an appropriate remedy to protect the property from dispossession. It is always open to the petitioner to approach the Civil Court to redress her grievances. I am, therefore, of the view that there is no scope for issuing a Mandamus to restrain the third respondent from taking possession of the property.

4. The Writ Petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Sivagangai District.

2.The Tahsildar, Manamadurai Taluk, Sivaganga District.

3.The Assistant Engineer,  
Public Works Department,  
(Water Resources Organisation),  
Irrigation Section No.2, Thirupuvanam, Sivagangai District.

+1 cc to The Special Government Pleader in SR.No. 50170

SML

CSL/CK/15.09.2016: 2P/5C

Order made in  
**W.P. (MD) No. 9272 of 2011**  
**and M.P. (MD) No. 1 of 2011**  
Dated: 02.09.2016