



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.11895 of 2017

S.Sundara Kani

...Petitioner

-Vs-

1. The District Collector,
Thoothukudi District,
Thoothukudi .

2. The Tahsildar,
Srivaikundam,
Thoothukudi District.

3. The Revenue Inspector,
Seithunganallur,
Srivaikundam Taluk,
Thoothukudi District.

4. Ayyanar,
Revenue Inspector,
Seithunganallur,
Srivaikundam Taluk,
Thoothukudi District.

...Respondents

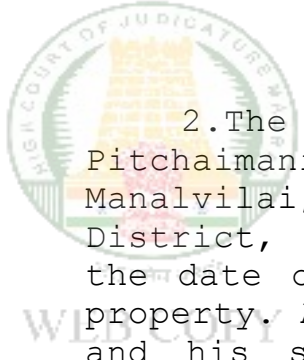
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the third respondent from interfering with the peaceful possession and enjoyment over petitioner's family in natham Survey No.476/2, Manalvilai, Vallakulam Village, Srivaikundam Taluk, Thoothukudi District.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.G.Muthukannan,
Government Advocate.

ORDER

The prayer sought for in this Writ Petition is to issue a Writ of Mandamus, forbearing the third respondent from interfering with the peaceful possession and enjoyment of the petitioner's family in natham Survey No.476/2, Manalvilai, Vallakulam Village, Srivaikundam Taluk, Thoothukudi District.



2.The case of the petitioner is that her father-in-law, namely Pitchaimani Nadar purchased 21 cents in Survey No.476/2, Manalvilai, Vallakulam Village, Srivaikundam Taluk, Thoothukudi District, through a registered sale deed dated 15.11.1996. From the date of purchase, he was in possession and enjoyment of the property. After his demise on 07.11.2010, the petitioner's husband and his sister alone inherited the same. There was a family partition in which the property was allotted to her husband. However, the fourth respondent without any authority and by abusing his official influence interfered with their possession. Hence a complaint was given on 12.06.2017. Further representation was sent on 15.06.2017 to the respondents 1 and 2 to protect the property of the petitioner. Since no action was taken, the present writ petition has been preferred.

3.Heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioner, Mr.G.Muthukannan, learned Government Advocate appearing for the respondents.

4.Mr.G.Muthukannan, learned Government Advocate appearing for the respondents, by referring the counter affidavit filed by the second respondent would submit that the land in dispute is described as Street in the Revenue records. The petitioner has encroached upon the street measuring an extent of 20 square metres, by way of constructing asbestos roof building.

5.In view of the submissions made by the learned Government Advocate and the stand taken by the second respondent in his counter-affidavit, I do not find any merit in this Writ Petition. It is needless to point out that if the petitioner is an encroacher, the Block Development Officer shall evict the petitioner by following the procedure established by law. In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi .

2. The Tahsildar,
Thoothukudi District.



3. The Revenue Inspector,
Seithunganallur,
Srivaikundam Taluk,
Thoothukudi District.

+1 cc to Mr.R.Pon Karthikeyan , Advocate in SR.No. 69565
+1 cc to The Special government Pleader in SR.No.70216

vsg/MYR
AE/KP/SAR3/04.09.2017/3P/6C

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