



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 05.09.2017  
CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

WEB COPY

W.P. (MD) .No.16746 of 2017  
in  
W.M.P. (MD) No.13357 of 2017

V.Karuppayee

...Petitioner

Vs.

1.The Superintendent of Police,  
Madurai District, Madurai.

2.The Inspector of Police,  
Y.Othakadai Police Station,  
Madurai District.

3.Ayyavu

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent not to interfere in the construction being carried out under Prathan Manthri Awaas Yojana-Gramin Scheme on the petitioner's land in old survey No.79 and new Survey No,131/5 situated at Y.Pudupatti, Arumbanur Post, Madurai North, Madurai District.

For Petitioner

:Mr.P.T.R.Ramesh Raja

For R1 and R2

:Mr.A.K.Baskara Pandian

Special Government Pleader

### O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, to direct the second respondent not to interfere in the construction being carried out under Prathan Manthri Awaas Yojana Gramin Scheme on the petitioner's land in old survey No.79 and new Survey No.131/5 situated at Y.Pudupatti, Arumbanur Post, Madurai North, Madurai District.

2.Mr.A.K.Baskara Pandian, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that there is a land dispute between herself and the third respondent. It is further stated that the third respondent started constructing a house in a land, by the petitioner as well as the third respondent. The petitioner gave an objection to the construction and approached the second respondent to stop the construction



activity. It was further stated that the second respondent refused to enquire the same and informed the petitioner that this dispute is purely civil in nature and directed the petitioner to approach the competent Civil Court.

4. In respect of some other land in old Survey No.79 and new Survey No.131/5, the petitioner claims ownership. It is stated that the same belonged to her husband, namely, one Vellaisamy. In the year 1995, the petitioner's husband expired, leaving behind the petitioner and two daughters. The petitioner further states that there was a partition, after the demise of her husband and that she was allotted with 1 ½ cents of land in old Survey No.79 corresponding to new Survey No.131/5 in Y.Pudupatti village.

5. It is the further case of the petitioner that she applied under Prathan Mantri Awaas Yojana Gramin scheme for putting up a house. The petitioner stated that she was selected under the said scheme and a sum of Rs.1.70 lakhs was also sanctioned for construction. It is further stated that the third respondent gave a complaint before the second respondent, in turn, to prevent the petitioner from putting up further construction. It is, in these circumstances, the petitioner has come forward with the above Writ Petition seeking a direction to the second respondent not to interfere with the construction.

6. The intention and object behind the writ petition is to prevent or restrain anyone, either the third respondent or the second respondent from interfering with the enjoyment of the property in dispute by the petitioner. When there is a dispute with regard to the ownership of the property, the petitioner can only approach Civil Court for appropriate relief. The petitioner's apprehension is that there is a threat from the second and third respondent, who are interfering with her right to put up a construction in her own property. In such circumstances, it is only the Civil Court that can go into the issue with regard to the possession and the ownership of the property in question. Based on statements and other materials, it cannot be decided by this Court or by the police, about the true ownership or lawful possession of the petitioner.

7. In such circumstances, this Writ Petition is dismissed with a liberty to the petitioner to approach the Civil Court for appropriate relief. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True copy/



To

1.The Superintendent of Police,  
Madurai District, Madurai.

2.The Inspector of Police,  
Y.Othakadai Police Station,  
Madurai District.

+1cc to Mr.P.T.RAMESHRAJA, Advocate, SR.76704

+1cc to M/S.Special Government Pleader, SR.77354

W.P. (MD) .No.16746 of 2017  
05.09.2017

CMR

KK/MR KKR/SAR 1/26.09.2017/ 3P- 5C/