



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3340 of 2017

Ammarajamani

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Special Tahsildar,
Adi Dravidar Welfare Department (part 1)
Madurai.

3.Thavamani
W/o Draviyam
South Colony, Chithalangudi,
Vadipatti Taluk,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the illegal structure put up by Thavamani / 3rd respondent herein near the plot No.20 comprised in S.Nos.226/1A3, 227/2B1, 228/2B1, 2B3 situated at Chithalangudi, Madurai District on the basis of the representation given by the petitioner dated 06.02.2017 within the time stipulated by this Court.

For petitioner

: Mr.K.Malathi

For respondents

: Mr.M.Govindan

Special Government Pleader
for R.1 and R.2

Mr.M.Venkatesan

for R.3

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this writ petition to direct the respondents 1 and 2 to remove the illegal construction stated to have been put up by the third respondent in the property, allotted to her son by name Thiru.Kumar bearing plot No.20 comprised in S.Nos.226/1A3, 227/2B1, 228/2B1, 2B3 situated at Chithalangudi, Madurai District.

<https://hcservices.ecourts.gov.in/Hcservices/> The counter affidavit filed by the second respondent indicates that the plot in question was allotted to Thiru Kumar, son of Irulan, a member of Adi Dravidar Community. The allotment



was made in the year 2003. It appears that the third respondent had made construction by trespassing into the said property. According to the Tahsildar, it was only after entrusting the plot to the allottee, the third respondent took possession.

3. The learned Counsel for the petitioner contended that the third respondent, after allotting the plot to the son of the petitioner, trespassed into the property and put up a construction.

4. The learned Counsel for the third respondent submitted that there are civil proceedings pending between the parties. In fact, the third respondent obtained injunction against the allottee Thiru.Kumar in O.S.No.508 of 2008, on the file of the District Munsif Court, Vadipatti and subsequently, obtained a decree. According to the learned Counsel for the third respondent, the third respondent is in possession of plot No.20 and his possession is protected by the Civil Court.

5. The petitioner seeks a direction to the respondents 1 and 2 to put her son in possession of the plot No.20, which was allotted to him in the year 2003. There is no question of directing the respondents 1 and 2 to put the allottee once again in possession which had already been delivered to him in the year 2003. It is always open to the petitioner to approach the Civil Court to redress her grievance.

6. The writ petition is dismissed with the above observation. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Madurai District.

2.The Special Tahsildar,

Adi Dravidar Welfare Department (part 1), Madurai.

+1cc to M/S.K.Malathi, Advocate SR.No. 66516

+1cc to Special Government Pleader, SR.No. 67001

W.P. (MD) No.3340 of 2017

20.07.2017