



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH**AND****THE HONOURABLE MRS. JUSTICE R. THARANI****W.P. (MD) No. 20684 of 2018**

Saroja

: Petitioner

Vs.

1. The District Collector,
Dindigul
Dindigul District,

2. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3. The Village Administrative Officer,
Pillayarnatham Village,
Nilakottai Taluk,
Dindigul District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents herein not to demolish the petitioner's house bearing Door No.2/261, 2/262 comprised in S.No.708/1, 709/17 and 217/9 situated at Sirunaickenpatti, Pillayarnatham Village, Nilakottai Taluk, Dindigul District on the guise of encroachment.

For Petitioner

: Mr.B.Jameelarasu

For Respondents

: Mr.M.Jeyakumar

Additional Government Pleader

ORDER

[Order of the Court was made by **R. SUBBIAH, J**]

This Writ Petition has been filed to direct the respondents to herein not to demolish the petitioner's house bearing Door No.2/261, 2/262 comprised in S.No.708/1, 709/17 and 217/9 situated at Sirunaickenpatti, Pillayarnatham Village, Nilakottai Taluk, Dindigul District on the guise of encroachment.

2.The case of the petitioner is that she had purchased the property comprised in S.No.708/1, 709/17 and 217/9 in the year 1995 and since then, she is in lawful possession and enjoyment of the said properties. She has also obtained patta in her favour. Thereafter, by obtaining necessary building permission, she had constructed a house therein. Under such circumstances, the respondents, on 26.02.2018 came to the petitioner's house and demolished a portion of the house stating that there is an



encroachment. Therefore, the petitioner is before this Court with this writ petition with the aforesaid prayer.

3. When the matter is taken up for consideration, the learned counsel for the petitioner made a detailed submission adverting to the submission made in the writ petition.

4. The learned Additional Government Pleader, by filing a detailed counter affidavit, would submit that so far as the house of the petitioner in S.No.708/1 is concerned, it is a patta land and therefore, absolutely there is no necessity to evict the petitioner from the said Survey number. However, insofar as S.No.709/17 is concerned, the petitioner caused a hindrance to the devotees of the Vinayagar Temple as she encroached the pathway, in fact, after conducting peace committee meeting, she herself removed the gates put up by her. After removal of the gates, she approached this Court for obtaining patta for S.No.709/17. Since S.Nos.709/17 and 709/18 are classified as Government poramboke lands in the revenue records, there is a Vinayagar Temple in the survey numbers and the surrounding vacant place is used by the devotees and others as public pathway, if the encroachment is allowed to continue, the general public will create law and order problem. Thus, they sought for dismissal of the writ petition.

5. From the counter affidavit, it could be seen that so far as S.No.708/1 is concerned, there is no encroachment on the part of the petitioner. At the same time, the learned counsel for the petitioner would submit that so far as S.No.709/17 is concerned, the application for grant of patta is pending before the concerned authorities. Thus, she sought for a direction to the respondents not to disturb the peaceful possession in the said survey number, whereas, the learned Additional Government Pleader would submit that so far as S.No.709/17 is concerned, it is only a Government poramboke land.

6. Be that as it may, this Court is not conducting any roving enquiry with regard to the classification of the land. However, if there is any inclination on the part of the respondents to evict the petitioner in S.No.709/17, the same can be done in accordance with law and after issuing notice to the petitioner and affording an opportunity of hearing to the petitioner.

7. With the observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1. The District Collector,
Dindigul
Dindigul District,

2. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3. The Village Administrative Officer,
Pillayarnatham Village,
Nilakottai Taluk,
Dindigul District.

+1cc to M/s.B.Jameel Arasu, Advocate Sr.No.95347

+1cc to SPL.Govt.Pleader, Sr.No.95415

RR

KM/BK/SAR1/17.12.2018/3P/6C

Order made in
W.P. (MD) No.20684 of 2018
Dated: 14.11.2018