



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.08.2019
CORAM

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Writ Petition(MD)No.17017 of 2019
and
W.M.P(MD)No.13587 of 2019

1.G.Ramasamy
2.A.L.Subramanian
Vs.
... petitioners

1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Rural and Urban Development,
Secretariat,
Chennai.

2.The District Collector,
The Office of District Collector,
Pudukkottai District.

3.The District Revenue Officer,
The Office of District Revenue Office,
Collector Office Campus,
Pudukkottai.

4.The Thasildhar,
The Taluk Office,
Thirumaiyam
Pudukkottai District.

5.The Executive Officer,
Arimalam Town Panchayat,
Arimalam,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus restraining the respondents either from disturbing or interfering peaceful possession and enjoymentary rights of the petitioners in maintaining the property comprised in S.F.No 1479 (Old S.F.No.141, 142, 143, 144) measuring to an extent of 166 cents located at Arunachalampillai Street, Arimalam Post, Thirumaiyam Taluk, Pudukkottai District or from taking possession of the property illegally without adopting due process of law and consequently, directing the respondents 2 to 5 not to destroy or damage the tress and flowers located in that



property by considering petitioner's representation dated 29.06.2019 sent to respondent.

For Petitioner : Mr.R.Sureshkumar
For Respondents : Mr.M.Karuppasamy
Govt. Advocate (for R1 to R4)
Mr.M.Rajarajan (for R5)

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O R D E R

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

The petitioners seek for a Mandamus restraining the respondents either from disturbing or interfering with their peaceful possession and enjoyment of the property comprised in S.F.No 1479 (Old S.F.No.141, 142, 143, 144) measuring to an extent of 166 cents located at Arunachalampillai Street, Arimalam Post, Thirumaiyam Taluk, Pudukkottai District or from taking possession of the property illegally without adopting due process of law and consequently, directing the respondents 2 to 5 not to destroy or damage the tress and flowers located in that property by considering petitioners' representation dated 29.06.2019 sent to respondents.

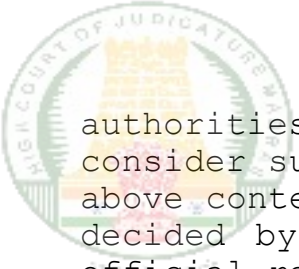
2.Heard both sides.

3.The petitioners claim that the subject matter property originally belonged to the first petitioner's grandfather, namely, Su.Mu.Ka.Raman and his brothers and they enjoyed and possessed the said property all along by paying property tax to the fifth respondent. Thus, it is contended by the petitioners that as the legal heirs of those persons, who were enjoying the said property, they are entitled to continue such enjoyment and possession without any interreption from the official respondents.

4.After notice, this matter was taken up for further hearing.

5.The learned counsel appearing for the fifth respondent panchayat submitted that the subject matter property belongs to the panchayat and already eviction proceedings were initiated against the encroachers by issuing notice. However, it is stated that no such notice was issued on these petitioners. In any event, as it is claimed by the petitioners that the subject matter property belongs to them absolutely, such claim over the title to the property cannot be decided in this writ petition, as it is for the petitioners to work out their remedy by filing appropriate civil suit before the competent Court. Without resorting to such course of action, the petitioners have come forward to seek the present relief, which in effect is purely civil in nature and therefore, they have to agitate the matter only before the Civil Court.

6.It is submitted by the learned counsel for the petitioners that they have already given a representation before the



authorities and therefore, the authorities may be directed to consider such representation. We are not inclined to appreciate the above contention of the petitioners, since a title dispute cannot be decided by way of considering a representation, that too, by the official respondents.

7. Accordingly, without expressing any view on the merits of the claim made by the respective parties, this Writ Petition is disposed of, by granting liberty to the petitioners to work out their remedy before the Civil Court by filing comprehensive civil suit. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
Department of Rural and Urban Development,
Secretariat,
Chennai.
2. The District Collector,
The Office of District Collector,
Pudukkottai District.
3. The District Revenue Officer,
The Office of District Revenue Office,
Collector Office Campus,
Pudukkottai.
4. The Thasildhar,
The Taluk Office,
Thirumaiyam
Pudukkottai District.

+1 CC to Mr.R.SURESH KUMAR, Advocate (SR-80997[F] dated 09/08/2019)

+1 CC to SPL GP (SR-81174[F] dated 09/08/2019)

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and

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