



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.20125 of 2019

and

WMP (MD) No.16668 of 2019

R.Ruthirappasamy

.. Petitioner

Vs.

1.The Divisional Engineer,
Highways Department,
Tuticorin.

2.The Junior Engineer,
Highways Department,
Travellers Bungalow,
Kovilpatti - 628 501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents, their officers, employees, men and servants or anyone claiming through them from in any manner interfering with the possession and enjoyment of the petitioner over the land and the building situated in Survey No.137/B to an extent of 1569.75 sq.ft. in Alampatti Village, Kovilpatti Taluk and Tuticorin District otherwise than in accordance with law and the procedure.

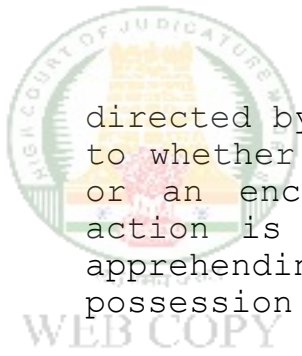
For Petitioner	: Mrs.P.Jessi Jeeva Priya
For Respondents	: Mr.M.Rajarajan Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal at the stage of admission.

2.This writ petition is filed seeking a writ of mandamus, forbearing the respondents from interfering with the possession and enjoyment of the petitioner in the land in Survey No.137/B, to an extent of 1569.75 sq.ft. in Alampatti Village, Kovilpatti Taluk, Tuticorin District. But, in the typed set of papers, no such proceedings was shown that the respondents are attempted to interfere with the possession and enjoyment of the petitioner.

3.The learned Government Advocate, on instructions, would submit that consequent upon a peace committee meeting, by an inter departmental communication dated 27.08.2019, the Tahsildar was



directed by the second respondent to ascertain the classification as to whether the land in occupation by the petitioner is a patta land or an encroachment on the Government property. Even before any action is being taken, the petitioner has approached this Court, apprehending that the respondents are going to interfere with the possession in his patta land.

4.Considering the fact that the second respondent has only requested the Tahsildar of Revenue Department to ascertain classification of the lands and if at all the petitioner is an encroacher over the Government land, notice will be given to him as per Section 7 of the the Tamil Nadu Land Encroachment Act, 1905 and further action will be taken.

5.In view of the above observation, this writ petition is dismissed as not maintainable. No costs. Consequently, WMP (MD) No.16668 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Divisional Engineer,
Highways Department,
Tuticorin.

2.The Junior Engineer,
Highways Department,
Travellers Bungalow,
Kovilpatti - 628 501.

+1 CC to GP SR-89036.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate SR-88494.

W. P. (MD) No.20125 of 2019
23.09.2019

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