



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.13983 of 2015

and

M.P (MD) No.1 of 2015

WEB COPY

Tmt.A.Mayil

... Petitioner

-Vs-

- 1.State of Tamilnadu
represented by District Collector,
Tiruchirapalli, Tiruchi-620 001.
- 2.The Revenue Divisional Officer,
Srirangam, Cholan Nagar,
Tiruchi District.
- 3.The Tahsildar,
Srirangam, Srirangam Taluk Office,
Srirangam, Tiruchi 620 006.
- 4.Rajavel
Manikandam Zonal Deputy Tahsildar,
Srirangam Taluk Office,
Srirangam, Tiruchi-620 006.
- 5.Saravanan
Manikandam Revenue Inspector,
Manikandam P.O.
Tiruchi 620 012.
- 6.Annadurai,
Kolukkattakudi Village Administrative Officer,
Kolukkattakudi, K.Sathanur P.O.
Tiruchi-620 021.
- 7.The Sub Inspector of Police,
Manikandam Police Station,
Manikandam P.O.
Tiruchi 620 012.
- 8.The Divisional Development Officer,
Manikandam Panchayat Union
Manikandam P.O.
Tiruchi 620 012.



9.The Panychayat President,
Duraikudi Panchayat including Kolukattakudi
Avoor Post, Mathur (via),
Tiruchi District, Pin 622 515.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to forbear the respondents in any way interfering with the possession and enjoyment of the land of an extent of 15 cents out of total area 6.51.5 hectares-16.09 Acres in which the demolished shelter shed existed at Srirangam Taluk, Kolukkattadudi Village S.F.No.74, wherein the petitioner was in continuous and un-interrupted possession and enjoyment of the said property for about 36 years.

For Petitioner	: Mr.V.Sitharajandas
For R-1 to R-3, R-7 and R-8	: Mr.C.Ramar Additional Government Pleader
For R-9	: Mr.M.Karthikeyan

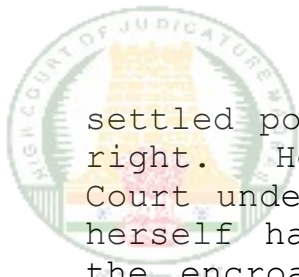
O R D E R

The petitioner has filed a writ petition for issuance of writ of mandamus to forbear the respondents in any way interfering with the possession and enjoyment of the land to an extent of 15 cents out of total area 6.51.5 hectares (16.09 Acres) in S.F.No.74, Srirangam Taluk, Kolukkattadudi Village.

2.The petitioner who has prayed for an injunction restraining the respondents from interfering with her possession has to approach the civil Court. The petitioner admitted that the property is a Government promoboke and that she has encroached the same by putting up a small shed.

3.The contention that the petitioner is in enjoyment of more than 30 years is specifically disputed by the third respondent, who has filed a counter affidavit. From the reading of the counter, it is seen that the public has given objection for the encroachment made by the petitioner and hence, the petitioner was orally informed to vacate the property and remove the construction in the Government promboke land. It is also stated that the notice was issued on 15.01.2015 on the petitioner to remove the shelter shed of her own. Thereafter, eviction was carried out.

4.The writ petition was filed on 31.07.2015, whereas the petitioner was evicted from the premises long back. Hence, the petitioner is not entitled to the relief of injunction since the petitioner has not produced any record to show that he can exercise the right of ownership over the land or that she was in



settled possession to claim any privilege based on her possessory right. Hence this writ petition cannot be entertained by this Court under Article 226 of Constitution of India. The petitioner herself has admitted in her statement before the authority that the encroachment was removed and that she would not indulge in such encroachment in future.

5.In such circumstances, this Court do not find any merits in the writ petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
The State of Tamilnadu,
Tiruchirapalli, Tiruchi-620 001.
- 2.The Revenue Divisional Officer,
Srirangam, Cholan Nagar,
Tiruchi District.
- 3.The Tahsildar,
Srirangam, Srirangam Taluk Office,
Srirangam, Tiruchi 620 006.
- 4.The Sub Inspector of Police,
Manikandam Police Station,
Manikandam P.O.
Tiruchi 620 012.
- 5.The Divisional Development Officer,
Manikandam Panchayat Union
Manikandm P.O.
Tiruchi 620 012.

+1 CC to M/s.SPL GP (SR-103820[F] dated 06/12/2019)

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and

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