



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P(MD)No.23974 of 2018
and
W.M.P. (MD)No.20588 of 2019**

1.M.Rajalakshmi
2.S.Malaiyachi

.. Petitioners

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

4.The Assistant Engineer,
Public Works Department (WRO),
Manimutharu, Tirunelveli District.

5.The Block Development Officer,
Cheranmahadevi Union,
Cheranmahadevi.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents and subordinates or agents in any manner from disturbing petitioners' peaceful possession and enjoyment of the land to an extent about 1 acre in Survey No.219, Poonkudaiyur Kulam Village, Cheranmahadevi Taluk, Tirunelveli District and consequently direct the respondents to grant patta in respect of the said land.



For Petitioners

: Mr.J.Parekhkumar

For Respondents

: Mr.A.K.Baskara Pandian
Special Government Pleader

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ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.J.Parekhkumar, learned counsel appearing for the petitioners and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.

2. The petitioners have filed this writ petition apprehending that he will be evicted from the land in question, which according to the petitioners is in their possession for several decades. Based on such apprehension, the petitioners submitted representation to the third respondent on 02.08.2019, referring to the decree and injunction obtained by him in O.S.No.18 of 1990 filed against the private parties, who are alleged to have attempted to interfere in his possession. The representation was taken note of and the Tahsildar has conducted an enquiry pursuant to the notice, dated 06.08.2019. Thereafter, the petitioners have given a representation on 24.09.2019 stating that the subordinates of the respondents 4 and 5 are attempted to evict the petitioners.

3. On a perusal of the affidavit filed in support of the writ petition and the papers filed in the typed set, we find that there is no document of title for the petitioners and reference is only to certain receipts issued by the Revenue Authorities collecting charges from the petitioners. In our view, no writ of mandamus as sought for can be issued based on the apprehension.

4. The learned Special Government Pleader appearing for the respondents would submit that when the Tahsildar directed to conduct survey in Survey No.219, it came to light that there is an encroachment made by the petitioners to the extent of one acre, where he has grown trees and other crops. Therefore, report has been sent to the Assistant Engineer, Public Works Department, Manimutharu on 19.09.2019. It appears that the petitioners sensing about the development, which is happening, have filed this writ petition.

5. As already pointed out no writ of mandamus as sought for can be issued based on apprehension. If there is any encroachment in the water body, it goes without saying that the Authorities concerned under the Public Works Department, shall issue notice to the petitioners and when notice is issued, it is open to the petitioners to submit their objections, if any, which will be dealt



with in accordance with law.

6. For such reason, at this juncture, we cannot issue writ of mandamus. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Cheranmahadevi Taluk,
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- 4.The Assistant Engineer,
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- 5.The Block Development Officer,
Cheranmahadevi Union,
Cheranmahadevi.

+1 CC to M/s.J.PAREKHKUMAR, Advocate (SR-98345[F] dated 14/11/2019)

+1 CC to M/s.GP (SR-98819[F] dated 15/11/2019)

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JMN(03.12.2019) 3P : 8C