

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8479 of 2020
and WMP.No.10228 of 2020

Mrs.Selvi,
W/o.Natarajan.

... Petitioner

Vs.

1. The District Collector,
Ariyalur District,
Ariyalur.
Email:Collrari@nic.in.

2. The Tahsildar,
Ariyalur,
Ariyalur District.
Email:tahari002@gmail.com.

3. The Block Development Officer,
Thirumanur Block,
Ariyalur District.
Email tmnrbd@yahoo.com.

4. The President,
Keelapalur Village Panchayat,
Ariyalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, forbearing the respondents from any manner interfering, disturbing or forcefully evicting the petitioner from the land and building measuring to an extent of 270 sq.feet situated in S.No.273/2 Thanjavur Main Road, Keelapur Village, Ariyalur Taluk and District without following due process of law.

For Petitioner : Mr.A.V.Raja

For Respondent : Mr.E.Balamurugan

Special Government Pleader.

O R D E R

This writ petition has been filed for issuance of writ of mandamus forbearing the respondent from in any way interfering or disturbing or forcibly evicting the petitioner from the subject property.

2.The case of the petitioner is that she is the owner of the subject property by virtue of settlement deed dated 13.05.2002. The further case of the petitioner is that this property is in possession and enjoyment of the petitioner and the third and fourth respondents are attempting to interfere with the property and on 06.05.2020, an inspection was also made by the surveyors. Apprehending that her possession will be interfered, the present writ petition has been filed before this Court.

3.Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents submitted that the subject property which measures 270 square feet is categorized as a street in the revenue records and the petitioner was attempting to encroach upon this property by extending a construction over this 270 square feet. The learned counsel further submitted that this extent of 270 square feet has already been secured and fenced by the respondents. The learned special Government Pleader also produced the relevant files in this regard.

4.Taking into consideration the facts and circumstances of the case and also of the fact that the subject property has been secured by the respondents and it is claimed that the property has been fenced, the relief sought for by the petitioner cannot be granted by this Court.

5.The learned counsel for the petitioner submitted that the petitioner can establish before the respondent with all necessary documents that the property belongs to the petitioner absolutely. The learned counsel further submitted that if it is proved through revenue records that the petitioner has encroached any portion of the property belonging to the Panchayat, the petitioner will not make any claim over the same.

6.In view of the above, the petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and the third respondent shall consider the representation made by the petitioner along with the documents and shall enquire as to whether the petitioner has encroached the property belonging to the Panchayat and shall pass necessary orders after the completion of the enquiry.

7. In view of the fact that a specific stand has been taken that the subject property is a street, no construction shall be put up till final orders are passed in the enquiry to be conducted by the third respondent.

8. This exercise shall be completed within a period of twelve weeks from the date of the submission of the representation by the petitioner.

9. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Ariyalur District, Ariyalur.
Email: Collrari@nic.in.
2. The Tahsildar,
Ariyalur, Ariyalur District.
Email: tahari002@gmail.com.
3. The Block Development Officer,
Thirumanur Block, Ariyalur District.
Email: tmnrbd@yahoo.com.
4. The President,
Keelapalur Village Panchayat,
Ariyalur District.
5. The Government Pleader,
High Court, Madras.

W.P.No.8479 of 2020

VGII (CO)
SP (04/08/2020)