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W.P.(MD)No.11291 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.11291 of 2020 and
W.M.P (MD) .No.9880 of 2020

- 1.Sundharapandi
- 2.Mahalingam
- 3.Thirisangu
- 4.Jeyapandi
- 5.Ramachandran
- 6.Selvi
- 7.Gandhimathi
- 8.Chandhirapushpam

... Petitioners

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 4.The Tahsildar,
Tiruchendur Taluk,
Tiruchendur.
- 5.The Special Tahsildar,
Adi Dravidar Welfare Department
Lakshmipuram,
Rathinapuri,
Kaayalpattinam Post,
Tiruchendur Taluk,
Thoothukudi District.

- 6.Jeyaraj
(R6 impleaded as per order dated
29.09.2020 in W.M.P (MD) .No.10577 of 2020)

... Respondents



Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to forbear them from claiming any right in the land of the first petitioner to the extent of 5 cents with a house in survey No.560/2C at Kandhasamipuram Village, Tiruchendur Taluk, Thoothukudi District bounded by North - Main Road, East - Land of Adi Dravidar Welfare Primary School in Survey No.560/1, South - Land of Primary Health Centre in Survey No.560/2C, West - House and site of Mahalingam Vagairah, the land of petitioners 2 to 5 to the extent of 20 cents with houses in survey No.560/2C at Kandhasamipuram Village bounded by North - Main road, East - House of petitioner No.1 and Land in Survey No.560/2C, South - Land in Survey No.560/2C, West - House and site of petitioner No.6 the land of 6th petitioner to the extent of 7 cents in Survey No.560/2C at Kandhasamipuram Village bounded by North - Main road, East - House and site of petitioners 2 to 5 in Survey No.560/2C, South - Land in Survey No.560/2C, West - House and land of petitioner No.7 and 8 and the land of petitioner No.7 and 8 to the extent of 10 cents with houses in Survey No.560/2C, at Kandhasamipuram Village bounded by North - Main road, East - House and site of petitioner No.6 in Survey No.560/2C, South - Land in Survey No.560/2C, West - Amman Kovil and land in Survey No.560/2C having patta No.37, which had been classified as Village Natham by considering the petitioner's representation, dated 14.02.2020.

For Petitioners	: Mr.S.R.Anbarasu
For R1 to R5	: Mr.M.Murugan
	Government Advocate
For R6	: Mr.Rajiv Rufus

ORDER

Heard Mr.S.R.Anbarasu, learned counsel appearing for the petitioners, Mr.M.Murugan, learned Government Advocate appearing for the respondent Nos.1 to 5 and Mr.Rajiv Rufus, learned counsel appearing for the sixth respondent.

2.The learned counsel appearing for the petitioners contended that the respondents are trying to interfere with the possession of the writ petitioners' property, which were classified as Village Natham land, in Survey No.560/2C situated at Kandhasamipuram Village, Tiruchendur Taluk.

3.When the writ petition was came up for admission on 10.09.2020, the learned counsel appearing for the petitioners submitted that the petitioners had no objection to construct the building in S.No.560/1. Since there is a dispute regarding the boundaries of the property in S.No.560/1 and 560/2C, this Court by order dated 17.09.2020 directed to survey the property in S.No.560/1



with the assistance of the surveyor and also in the presence of the petitioners and to submit a report before this Court. Pursuant to which, a status report has been filed before this Court, wherein, it has been stated that survey was conducted in the presence of the petitioners as well as the official respondents.

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4.A perusal of the status report as well as the plan, it is seen that the official respondents shall proceed with the construction only in respect of S.No.560/1. However, the learned counsel appearing for the petitioners submitted that the official respondents have not followed the procedure for conducting the survey.

5.The grievance of the petitioner is that as already submitted at the time of admission, the petitioners had no objection to construct the building in S.No.560/1 and as of now, the survey has been conducted and the report has also been submitted before this Court. As per the report, the official respondents have to construct the school building within the boundaries of the S.No.560/1. According to the writ petitioner, insofar as the S.No.560/2c is concerned, the respondents are trying to interfere with the possession of the petitioners' properties.

6.The learned Government Advocate would submit that if any action is taken, the same done only in accordance with law.

7.In view of the status report submitted by the learned Government Advocate before this Court, the official respondents shall proceed with the construction of the school building only in respect of S.No.560/1. Insofar as S.No.560/2C is concerned, the respondents shall not interfere with the possession of the petitioners, except under due process of law. In view of the above submissions, there is no merit to entertain the writ petition and the same is liable to be dismissed.

8.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected M.P is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Tiruchendur,
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- 4.The Tahsildar,
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- 5.The Special Tahsildar,
Adi Dravidar Welfare Department
Lakshmipuram,
Rathinapuri,
Kaayalpattinam Post,
Tiruchendur Taluk,
Thoothukudi District.

+1 CC to M/s.GP (SR-18508[F] dated 30/09/2020)

W.P. (MD) No.11291 of 2020
29.09.2020

BK(CO)
TR(18.11.2020) 4P 7C