



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

AND

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.(MD)Nos.6230 and 6277 of 2020

and

W.M.P.(MD)Nos.5442 and 5496 of 2020

W.P.(MD)Nos.6230 of 2020

L.Anusuya : Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Revenue Divisional Officer,
Karur.

4.The Tahsildar,
Karur Taluk,
Karur.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus forbearing the respondents from removing the alleged encroachments made in property in S.F.No.26/2D and 26/3C situated at Thoranakkalpatti Village, Karur Taluk, Karur without following due process of law.

W.P.(MD)Nos.6277 of 2020

P.Venkatachalam : Petitioner

Vs.



1.The District Collector,
Kruru District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Revenue Divisional Officer,
Karur.

4.The Tahsildar,
Karur Taluk,
Karur.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus forbearing the respondents from removing the alleged encroachments made in property in S.F.No.27 situated at Thoranakkalpatti Village, Karur Taluk, Karur without following due process of law.

For Petitioner : Mr.K.Balasubramani
in both cases
For Respondents : Mr.V.R.Shanmuganathan,
in both cases Special Government Pleader

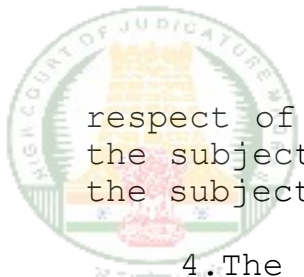
COMMON ORDER

(ORDER of the Court was delivered by **S.S.SUNDAR, J.**)

These two Writ Petitions have been field by the respective petitioners for issuing Writ of Mandamus forbearing the respondents from taking any action in respect of their patta lands in respect of S.F.Nos.26/2D and 26/3C situated in Thoranakkalpatti Village, Karur Taluk insofar as W.P.(MD)No.6230 of 2020 is concerned and in respect of S.F.No.27 in the same Village and Taluk insofar as W.P.(MD) No.6277 of 2020 in concerned.

2.Heard Mr.K.Balasubramani, learned Counsel appearing for the petitioners and Mr.V.R.Shanmunganathan, learned Special Government Pleader appearing for the respondents.

3.The apprehension of the petitioners in the Writ Petitions is that the respondents are taking action under the Tamil Nadu Land Encroachment Act for removal of encroachment against the petitioners ignoring the fact that they are the owners of the respective lands for which the Writ Petitions have been filed. The petitioner in both the Writ Petitions have produced before this Court patta in



respect of the properties, namely, S.F.No.26/2D and 26/3C which are the subject matter of W.P.(MD)No.6230 of 2020 and S.F.No.27 which is the subject matter of W.P.(MD)No.6277 of 2020.

4.The learned Special Government Pleader, on instructions, submitted that there is no issue with regard to the survey fields for which the petitioners have been given patta and the respondents have no proposal to initiate any action for removal of encroachment in respect of the patta lands and there is no issue in this regard. However, it is submitted that the respondents are entitled to take action under the Tamil Nadu Land Encroachment Act or any other appropriate law to remove the encroachment of land by the petitioners and others in Government poramboke lands or the lands vested with Government. Hence, the learned Special Government Pleader has no objection for granting relief insofar as the survey fields for which the petitioners were given patta. However, the learned Special Government Pleader requested this Court to preserve the right of the respondents to proceed against the petitioners or any one for evicting them from the Government lands after following the procedure.

5.In the result, the above Writ Petitions are allowed and the respondents are directed not to disturb the possession of the petitioners in respect of the petitioners patta lands. However, it is open to the respondents to initiate action for removal of encroachment by petitioners or any one or for evicting them from the Government poramboke or the property vested with the Government after following the procedure prescribed in law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

21.05.2020

SRM

To

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Revenue Divisional Officer,
Karur.

4.The Tahsildar,
Karur Taluk,
Karur.

ORDER IN
W.P. (MD) Nos.6230 and 6277 of 2020

21.05.2020

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