



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.12915 of 2020

and

W.M.P. (MD) Nos.10911 and 10912 of 2020

R.Aayammal

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

3.The Village Administrative Officer,
Arittapatti Village - 625 106,
Melur Taluk,
Madurai District.

4.The Block Development Officer (Village Panchayat),
Melur Panchayat Union,
Melur,
Madurai District.

5.The President,
Arittapatti Village Panchayat,
Arittapatti - 625 106,
Melur Taluk,
Madurai District.

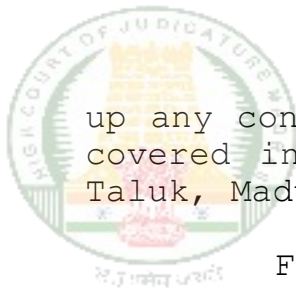
6.The Vice President,
Arittapatti Village Panchayat,
Arittapatti - 625 106,
Melur Taluk,
Madurai District.

7.A.Mohanasundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from dispossessing the petitioner, of her 9½ cents Nanja Land in Survey No.172/6B and ½ share in the well therein and taking

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up any construction in petitioner's patta land in Survey No.172/6B, covered in Patta No.208 and Adangal in Arittapatti Village, Melur Taluk, Madurai District without due process of law.

For Petitioner	: Mr. A.Thirumurthy
For respondents 1 to 3	: Mr.K.P.Krishnadoss Special Government Pleader
For Respondent 5	: Mr.G.Prabhu Rajadurai Standing Counsel

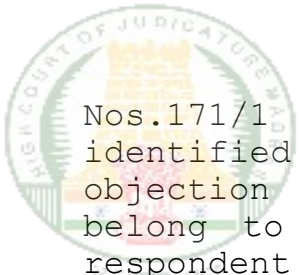
ORDER

This writ petition has been filed for issuance of a Writ of Mandamus forbearing the respondents from dispossessing the petitioner, of her 9½ cents Nanja Land in Survey No.172/6B and ½ share in the well therein and taking up any construction in petitioner's patta land in Survey No.172/6B, covered in Patta No.208 and Adangal in Arittapatti Village, Melur Taluk, Madurai District without due process of law.

2.Heard the learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents 1 and 2 and Mr.G.Prabhu Rajadurai, learned Counsel appearing for the fifth respondent. Since this Court is not going to pass any adverse orders against the respondents 3,4,6 and 7, notice to them is dispensed with.

3.The learned Counsel appearing for the petitioner would submit that the petitioner has purchased a land measuring to an extent of 9½ cents in Survey No.172/6 in Arittapatti Village, Melur Taluk, Madurai District, from on Vellaisamy on 13.07.1987 by a registered sale deed of the year 1987 and she has been cultivating in the said land from the date of purchase without any hindrance. It is further submitted that adjacent to her land, Village Health Centre is functioning which is on the east of Survey No.171/1. While son, on 31.08.2020, in the absence of the petitioner, the respondents 3, 5 and 6 along with the Surveyors and Police personnel, surveyed the Government poramboke land ie., Survey No.171/1 situated on the eastern side of the petitioner's land and laid the boundary stone by encroaching the petitioner's land. Hence, the petitioner made an application on 01.09.2020 before the second respondent after paying the fee for survey the land. In the meanwhile, on 12.09.2020, when few persons were trying to lay a foundation stone for construction of a building at the instance of fifth respondent, the petitioner had objected the same. Since the representation of the petitioner has not been considered so far, the petitioner has come forward with this Writ Petition.

4.Mr.G.Prabhu Rajadurai, learned Counsel appearing for the fifth respondent would submit that the properties in Survey



Nos.171/1 and 171/2 are Government poramboke land and it is identified for the purpose of construction of Anganwadi. He has no objection for surveying the land in S.No.172/6B as it does not belong to the Government and there is no reason why the fifth respondent has been made as party in this Writ Petition.

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5.Considering the facts and circumstances, the second respondent is directed to consider the representation of the petitioner, dated 02.09.2020 and survey the land in the presence of the petitioner and the persons who are likely to be affected. The said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking survey. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The directions given in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 05.10.2020 should be followed scrupulously.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

3.The Village Administrative Officer,
Arittapatti Village - 625 106,
Melur Taluk,

<https://hcservices.madurais.gov.in/Docservices/Disputes/Disputes.html>



4.The Block Development Officer (Village Panchayat),
Melur Panchayat Union,
Melur,
Madurai District.

+1 CC to Mr.G. PRABHU RAJADURAI, Advocate (SR-19194[F] dated 06/10/2020)

+1 CC to Mr.A. KARTHICK, Advocate (SR-19235[F] dated 07/10/2020)

W.P (MD) No.12915 of 2020
05.10.2020

VB (09.11.2020) 4P 7C