



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM

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

W.P. (MD) .No.15582 of 2020

and

W.M.P. (MD) No.13080 of 2020

Ariyanaachi

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o, Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Tahsildar,
O/o, the Tahsildar,
Madurai West,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 and 2 not to dispossess the petitioner of the lands in Survey Nos.189/4 and 189/5, Vadapalanji Village, Madurai West Taluk, Madurai District, within the stipulated time.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.M.Muniya Samy
	Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 and 2 not to dispossess the petitioner from the lands in Survey Nos.189/4 and 189/5 situated at Vadapalanji Village, Madurai West Taluk, Madurai District, within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Muniya Samy, learned Additional Government Pleader appearing for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for hearing and disposed of at the admission stage itself.



3.The learned Counsel appearing for the petitioner would submit that the petitioner is a poor landless woman belongs to Schedule Caste community. The petitioner has been in possession of the land measuring to an extent of 50 cents in Survey Nos.189/4 and 189/5 situated at Vadapalanji Village, Madurai West Taluk, Madurai District, and doing agricultural activities and also staying there from the year 1979 by paying kist till date. She is also having 'B' memo to that effect. While so, some real estate brokers are approaching the petitioner and threatening her to vacate from the said land as they are having patta for the said land. Therefore, the petitioner has made a representation on 24.09.2020 to the respondents. Since no action has been made on the representation of the petitioner, she has come forward with this present Writ Petition.

4.It is seen from the averments and the perusal of the records that the petitioner is having 'B' memo which does not give her any right to seek a direction not to dispossess her from the said lands as it is a Government land. If the contention of the petitioner is accepted, then every one, who has occupied the Government land, will come to the Court seeking a prayer that they cannot be evicted except in accordance with law. If the petitioner is a landless poor, it is open to her to make necessary application to the Government seeking 2 or 3 cents of land as per the guidelines framed by the Government and the relief sought for as such in this Writ Petition cannot be granted. Accordingly, this Writ Petition is dismissed. However, as Deepavali festival is ensuing, the petitioner shall vacate on her own after Deepavali i.e., before 21.11.2020 failing which the officials concerned shall evict the petitioner from the said land taking assistance of the police, if necessary. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM
To

1.The Revenue Divisional Officer,
O/o, Revenue Divisional Officer,
Thirumangalam, Madurai District.



2.The Tahsildar,
O/o, the Tahsildar,
Madurai West,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-21673[F] dated
10/11/2020)

ORDER MADE IN
W.P. (MD) .No.15582 of 2020
06.11.2020

KM(CO)
TR(11.11.2020) 3P 4C