



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.5901 & 5905 of 2020

and

W.P(MD)Nos.5107 & 5108 of 2020

W.P.[MD]No.5901 of 2020

T.Sumathi

... Petitioner

Vs.

1.The District Collector
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Pudukkottai.

3.The Special Tahsildar
Town Land Tax,
Pudukkottai Town,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents and their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the property in block No.97, Pudukkottai Town Survey No.6256/7 for an extent of 0.0132.0 sq.mtr. without following due process of law.

W.P.[MD]No.5905 of 2020

C.Vijayakumar

... Petitioner

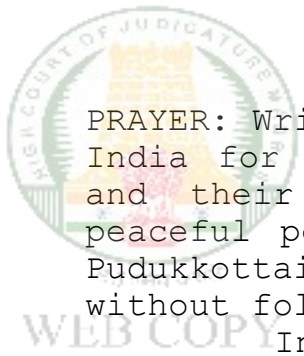
Vs.

1.The District Collector
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Pudukkottai.

3.The Special Tahsildar
Town Land Tax,
Pudukkottai Town,
Pudukkottai.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents and their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the property in block No.97, Pudukkottai Town Survey No.6256/8 for an extent of 0.0128.0 sq.mtr. without following due process of law.

In both cases

For Petitioners : Mr.R.Sevugaraja

For Respondents : Mr.A.Karthick,
Government Advocate

COMMON ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Sevugaraja, learned Counsel appearing for the petitioner, Mr.A.Karthick, learned Government Advocate appearing for the respondent.

2.These writ petitions have been filed to forbear the respondents from interfering with the petitioners' peaceful possession and enjoyment of the property in question.

3.The learned counsel for the petitioners would state that though the petitioners have been issued patta, the respondents are taking forcible action against them and attempting to evict them.

4. At the time, when the writ petition was entertained, an order of *status quo* was granted on 23.03.2020. If according to the respondents, there is an encroachment of Government property, the respondents shall issue notice to the so-called encroachers and then, take action. It would be advisable to conduct a survey before such notice is issued and the petitioners and so-called encroachers should also be put on notice before survey has been conducted. Till such procedure is complied with, the petitioners' possession and enjoyment shall not be disturbed and the *status quo* which was prevailing as on 23.03.2020 shall continue and the petitioners shall not alter the physical features of the property nor encumber or transfer the property in favour of others.

4.Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

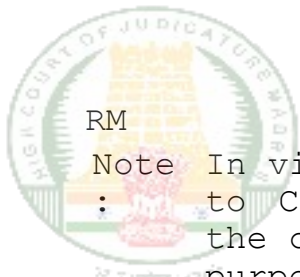
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



RM

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
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Pudukkottai.
- 3.The Special Tahsildar
Town Land Tax,
Pudukkottai Town,
Pudukkottai.

W.P.[MD]Nos.5901 & 5905 of 2020
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RK(10.05.2021) 3P 4C