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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.26961 of 2019

Ayyappan .. Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.
2.The Block Development Officer,
Sivakasi,
Virudhunagar District. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents to remove the road and side walls constructed by them by encroaching the petitioner's patta land situated in S.Nos.385/2A and 385/2C of Viswanaththam Village, Sivakasi, Virudhunagar District on the basis of the petitioner's representation dated 19.08.2018, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.G.Dev Pranav
for M/s.K.Gokul

For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government

O R D E R

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

Heard Mr.K.G.Dev Pranav, learned counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondents.

2.The writ petitioner seeks for a direction upon the respondents to remove the road and side walls constructed by them by encroaching the petitioner's patta land situated in S.Nos.385/2A and

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385/2C of Viswanaththam Village, Sivakasi, Virudhunagar District.

3.The petitioner has produced documents to show that the land in question is a private patta land. However, the second respondent has made attempts to erect road and side walls.

4.The instruction given to the learned Standing Counsel for Government is that prior to issuance of patta, the land was classified as road.

5.As long as the revenue records stand in the name of the petitioner, the Revenue cannot interfere. If according to them, there appears to be error occurred either during UDR or sometime later, the same cannot be changed without following the procedures.

6.In view of the above, the respondents are restrained from interfering with the petitioner's possession of the land in question and we direct the second respondent to remove the garb wall, which is being put up in the petitioner's land, and the other debris within three months from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sj

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,
Virudhunagar District,
Virudhunagar.

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2.The Block Development Officer,
Sivakasi,
Virudhunagar District.

+1 CC to MR.K.GOKUL, Advocate (SR-22411 [F] dated 14/07/2021)

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MGJ(19.07.2021) 3P 4C

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