



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.2074 to 2076 of 2011

and

M.P.(MD) Nos.1(3), 2(3) of 2011 & 1(3) of 2015

K.A.Chandran : Petitioner in WP(MD) 2074/2011

K.A.Krishnan : Petitioner in WP(MD) 2075/2011

K.A.Prabakaran : Petitioner in WP(MD) 2076/2011

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Executive Officer,
Town Panchayat,
Ponnamaravathi,
Pudukottai District.

3.The Tahsildar,
Ponnamaravathi Circle,
Pudukottai District.

: Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents from demolishing the business shop belonging to the petitioners bearing D.Nos.314A, 310, 314, respectively, in Annasalai, Ponnamaravathi Village, Pudukottai District.

For Petitioners :Mr.S.Palanivelayutham

For Respondents :Mr.D.Gandhiraj
Special Government Pleader
for R.1 & R.3
No representation for R.2
[In all WPs]

COMMON ORDER

The petitioners have filed these writ petitions to forbear the respondents from demolishing their shops bearing D.Nos.314A, 310, 314, respectively, in Annasalai, Ponnamaravathi Village, Pudukottai



District.

2.Learned Counsel for the petitioners submitted that the petitioners are the owners of the property concerned and have purchased the property from one Nagammal, by a registered document. However, the respondents attempted to demolish their business establishments and therefore, they have moved the instant writ petitions and this Court has also granted an order of interim injunction.

3.The respondents have filed a counter affidavit that the shops are constructed in S.No.830, which is classified as Chinna Amara Kandan Oorani in the revenue records. Learned Special Government Pleader further submitted tha the Oorani Poromboke is the vested property of the local body and there are 33 encroachments in the Oorani Poromboke, in the form of houses, shops, bakeries, hotels, etc., including the petitioners.

4.Considering the rival submissions, this Court by order dated 02.01.2014, appointed an Advocate Commissioner to ascertain as to whether the property is a Government property or a private one. Accordingly, learned Advocate Commissioner has conducted an inspection and filed a report dated 07.02.2014, that the constructions are made by encroaching the Chinna Amarakandan Oorani.

5.It appears that the petitioners have filed these writ petitions to forbear the respondents from demolishing their shops. In view of the materials placed before this Court, the relief sought for in these writ petitions cannot be granted.

6.Accordingly, these writ petitions are dismissed. It is open to the respondents to take appropriate action to remove the encroachments, after issuing notice to the alleged encroachers and after giving due opportunity of hearing, in accordance with law. If the petitioners are having valid title over the property, they are also at liberty to establish the same by approaching the appropriate civil forum. There shall be no order as to costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk



To

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Ponnamaravathi Circle,
Pudukottai District.

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-15242[F] dated
30/03/2022)

+1 CC to M/s.SPL GP (SR-15334[F] dated 30/03/2022)

W.P (MD) Nos.2074 to 2076 of 2011
29.03.2022

KM(CO)
KB(05.04.2022) 3P 5C