



W.P.(MD)No.20237 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.20237 of 2022

Karthikeyan

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Thanjavur Town & District.

2.The Revenue Divisional Office,
Revenue Divisional Office,
Pattukottai & Taluk, Thanjavur District.

3.The Tahsildar,
Peravurani Taluk Office,
Peravurani, Thanjavur District.

4.Malathi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first and third respondents to remove the encroachment made by the fourth respondent in Survey No. 170/3A situated at Sornakkadu Village, Peravoorani (Taluk), Thanjavur District by considering the representation of the petitioner, dated 21.07.2022.

For Petitioner :Mr.V.Selvakumar

For R1 to R3 :Mr.N.Satheesh Kumar



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ Mandamus to direct the first and third respondents to remove the encroachment made by the fourth respondent in Survey No.170/3A situated at Sornakkadu Village, Peravoorani Taluk, Thanjavur District by considering the representation of the petitioner, dated 21.07.2022.

3.The petitioner states that an extent of 44 cents of land in S.No.170/3 in Sornakkadu Village, Peravoorani Taluk, Thanjavur District, was a private patta land and that his father, by name, Ganesan, has purchased the same from one Panju Chettiar, who is the resident of the same village as per the sale deed deed, dated 19.11.1990. It is further stated that the grandson of the said Panju Chettiar filed a suit in O.S.No. 109 of 2016, before the District Munsif Court, Pattukottai against the petitioner's father challenging the very same sale deed, which was executed by the grandfather of the plaintiff.

4.It is stated that the suit filed by the grandson of the vendor, who executed a sale deed in favour of the petitioner's father, was dismissed on 25.10.2019. It is further stated that a registered partition



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deed was also executed among the petitioner's family before the Keeramangalam Sub Registrar Officer and that the property, which is the subject matter of the Writ Petition, was in separate possession and enjoyment of the petitioner and his family members.

5.Now, it is alleged that the fourth respondent has tried to construct a terrace house in the property of the petitioner and his collaterals. Stating that the fourth respondent has political and muscle powers, the Writ Petition is filed for removal of the encroachment in the property of the petitioner and his family members.

6.The officials respondents are the District Collector and revenue officers. The revenue officials have no power under any law to deal with the encroachment in private patta lands. In such circumstances, the whole Writ Petition is misconceived and hence, dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
01.09.2022

Index : Yes / No

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