



W.P.(MD).No.9467 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9467 of 2015

C.Deva Raj

... Petitioner

-VS-

1. The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari.
2. The Executive Engineer,
Kodayar Basin Division,
PWD/WRO,
Nagerkovil,
Kanyakumari District.
3. The President,
Petchi Parai Panchayat,
Petchi Parai, Nager Kovil,
Kanyakumari District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents not to remove the barrier put up on mud road which is leading only to petitioner's land rubber estate in Survey No.190 an extent of 2.68 hectares that is



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situated in Petchi Parai Village, Kalkulam Taluk, Kanyakumari District.

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For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed seeking for a Writ of Mandamus, forbearing the respondents from removing the barrier put up by the writ petitioner on the mud road which is leading to the patta land of the writ petitioner in Survey No.190 having an extent of 2.68 hectares that is situated in Petchi Parai Village, Kalkulam Taluk, Kanyakumari District.

2. According to the learned Counsel for the petitioner, the petitioner's patta land in Survey No.190 can be reached only through Survey No.179, which is a Government Poramboke. The petitioner apprehends that wild animals would enter through Survey No.179 and reach his Patta land in Survey No.190 and cause damage in crops. Hence, the petitioner has put up some barriers in the entry point of Survey No. 179 to prevent the access of wild animals. This barrier put up by the writ petitioner has been



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objected to, by the respondent authorities and they have orally directed the writ petitioner to remove the said barrier. Hence, the present Writ Petition has been filed.

3. The respondents had filed a counter affidavit and contended that Survey No.179 is a Government Poramboke and the petitioner is not entitled to put up any barrier by closing the entry into the Survey No.179. The petitioner is always at liberty to enclose or fence his patta land, namely, Survey No.190. By way of putting up barrier or fencing at the entry point of Survey No.179, the petitioner had attempted to encroach the Government Poramboke, namely, Survey No.179. Hence, he prayed for the dismissal of the Writ Petition.

4. I have carefully considered the submissions made on either side.

5. The sketch provided by the writ petitioner along with the sale deed, dated 21.02.2013 clearly indicates that the Survey No. 179 is a Government Poramboke land, which is the only access for the writ petitioner to reach his patta land in Survey No.190. Hence, the writ petitioner is always entitled to



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enclose or fence his own patta land in Survey No.190. However, if he is putting up any barrier or fencing at the entry point of Survey No.179, that would amount to encroaching the Survey No.179 which is admittedly a Government Poramboke.

6. In view of the above said facts, a Mandamus cannot be issued to the authorities forbearing them from removing any barrier, which put up at the entry point of Survey No.179. On the other hand, if the petitioner puts up fencing or barrier at the entry point of Survey No.190, the same shall not be disturbed.

7. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
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