



W.P.(MD) No.23752 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.23752 of 2018

S.Ayyavu

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Collectorate, Virudhunagar – 626 003.

2.The Tahsildar,
Virudhunagar Taluk,
Collectorate, Virudhunagar – 626 003.

3.S.Kathiresan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to fully implement the

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decisions taken in the peace committee Meeting Proceedings No.Rc.A1/5433 dated 11.07.2017, on the file of the 2nd respondent, by removing the encroachment in the land bearing Survey No.791/1 in Periaperali Village in Virudhunagar Taluk and District, within the time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya
For R1 & R2 : Mr.P.Thilak Kumar
Government Pleader
For R3 : Mr.A.Ramesh

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed, seeking a direction to the respondents 1 and 2 to implement the decisions taken in the Peace Committee Meeting vide Proceedings No.Rc.A1/5433 dated 11.07.2017, on the file of the 2nd respondent, by removing the encroachment in the land bearing Survey No.798/1 in Periaperali Village in Virudhunagar Taluk and District.



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2.The learned Government Pleader for the respondents 1 and 2 submitted that subsequent to filing of this Writ Petition, as per the decision taken in the abovesaid Peace Committee Meeting dated 11.07.2017, a survey was conducted by the authorities in S.No.798/1 and it was found that there is no encroachment as projected by the petitioner. After survey, the respondents 1 and 2 have also filed a counter affidavit. The relevant portion of the counter affidavit is extracted hereunder:-

“4.With regard to the averments made in para 2 of the affidavit, it is submitted that there is one Nandavanam Vinayagar Koil in D.No.3/173, Chinnaperali Village, Virudhunagar Taluk, Virudhunagar District. S.No.798/1 measuring an extent of 0.21.0 ares of Chinnaperali Village, Virudhunagar Taluk, Virudhunagar District stands registered in the name of Sethu Thevar in Patta No. 512. The income derived from S.No.798/1 is utilised for the conduct of Poojas to Nandavanam Vijayagar Koil. This is not a Government Poromboke land. It is patta land as per revenue records. Enquiry reveals that this is a Trust property.

9.With regard to the averments made in para 18 to 24 of the affidavit, it is submitted that the land S.No.798/1 measuring an



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extent of 0.21.0 ares of Chinnaperali Village, Virudhunagar Taluk, Virudhunagar District is not a Government Poramboke land. It is a patta land belonging to a Trust which is now under dispute. It submitted that the disputed property was surveyed and four bounders were shown to the petitioner. If the petitioner feels that there is encroachment by third parties, it has to be treated as a Tress Pass and eviction to be carried by the Police Department only. In this case, the title of the property is under dispute. Hence, the petitioner has to approach the competent Civil Court to redress his grievance."

3.The said submission of the learned Government Pleader is not refuted by the learned counsel appearing for the petitioner.

4.Recording the above said submission, this Writ Petition is disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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