



W.P.(MD).No.25878 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.25878 of 2022

and

W.M.P.(MD).No.20013 of 2022

P.Chandrasekar

... Petitioner

vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Srirangam Revenue Division,
Trichy District.

3.The Tahsildar,
Manapparai Taluk,
Trichy District.

4.The Block Development Officer (Village Panchayats),
Manapparai Panchayat Union,
Manapparai,
Trichy District.

5.The President,
Mondipatti Panchayat,
Manapparai Panchayat Union,
Trichy District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of petition mentioned Natham Land to an extent of 450 sq.ft. in S.F.No.24/31 Mondipatti Village, Manapparai Taluk, Trichy District, based on the petitioner's representation, dated 31.10.2022.

For Petitioner	: Mr.AN.Ramanathan
For R1 to R3	: Mr.D.Gandhiraj Special Government Pleader
For R4 & R5	: Mr.D.S.Nedunchezian Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of petition mentioned Natham land to an extent of 450 sq.ft. in S.F.No.24/31 Mondipatti Village, Manapparai Taluk, Trichy District, based on the petitioner's representation, dated 31.10.2022.



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2. The case of the petitioner is that he along with his two brothers are in possession and enjoyment of the Natham Patta land along with vacant land in S.F.No.24/31 to an extent of 1 cent (15 x 30 feet – East to Natham Patta property). While so, in family arrangement, S.F.No.24/18 along with the possession in vacant land in S.F.No.24/31 was allotted to the petitioner. He is in exclusive possession and enjoyment of the said property till today. The fifth respondent without any authority attempted to interfere in his peaceful possession and enjoyment of the Natham land in S.F.No.24/31. On 10.11.2022, the fifth respondent brought JCB and disturbed his possession in S.F.No.24/31 and orally threatened to construct a water tank in the Natham land. Further, the said land does not belong to the fifth respondent Panchayat. In the circumstances, the petitioner has given a representation in person on 31.10.2022, to the respondents 3 to 5. But they have not considered the same till date. Hence, the present writ petition has been filed.

3. Heard Mr.AN.Ramanathan, learned counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.D.S.Nedunchezian, learned Government Advocate appearing for the respondents 4 and 5.



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4. From the document received by the learned Special Government Pleader and also the sketch, it is seen that the petitioner's survey number is 24/18 and the extent of land available between the drama stage and the petitioner's land. In S.No.24/31, the respondents are initiating to construct a overhead tank for the purpose of supplying water to the entire village people. In S.No.24/18 and Patta No.429, the petitioner's family members are residing. From the photographs also it is clearly seen that lot of vacant sites available. It is seen from the sketch that houses are situated near the petitioner's land and this is an opt place for constructing the said overhead tank and the petitioner cannot dictate terms to the authorities for not to construct the said overhead tank near his house. The District Collector has already given appropriate administrative sanction and thereafter, the respondents have started the construction work and they have also sought police protection and for the purpose of supplying water to the entire village, the same has been formulated. The petitioner has not produced any document to show that he is in possession of Natham land and he has no right to seek the said prayer. Hence, this Court is not inclined to accept the prayer sought for by the petitioner and the Writ Petition is dismissed. No costs. Consequently, the connected



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Miscellaneous Petition is closed.

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To

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- 4.The Block Development Officer (Village Panchayats),
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V.BHAVANI SUBBAROYAN,J.

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