



W.P.(MD)No.16941 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2022

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

W.P.(MD)No.16941 of 2017  
and  
W.M.P(MD)No.13515 of 2017

Pl.Sankar

... Petitioner

Vs.

- 1.The District Collector and  
Inspector of Panchayats  
Sivagangai District.
- 2.The Tahsildar,  
Office of the Taluk Office,  
Karaikudi.
- 3.The President,  
Eluppakudi Village,  
Special Officer cum  
Block Development Officer,  
Sakkottai Union, Karaikudi,  
Sivagangai District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to  
issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the



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encroachment made by the 3<sup>rd</sup> respondent in petitioner lands comprised in S.No.220/2 in patta No.1068 situated at Lakshminagar, Eluppakudi, Karaikudi Taluk, Sivagangai District, within the time stipulated by this Court.

For Petitioner :Mr.Ram Sundar Vijayraj  
For Respondents :Mr.T.Amjadkhan  
Government Advocate

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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 of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the third respondent in petitioner's land comprised in S.No.220/2 in patta No. 1068 in Lakshminagar, Eluppakudi, Karaikudi Taluk, Sivagangai District.

2.Heard Mr.Ram Sundar Vijayraj, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.



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3.The petitioner states that he purchased certain lands in S.No. 20/130 in the Village and got revenue records mutated in his favour. The petitioner has patta in Survey No.220/2 admeasuring an extent of 0.03.50 hectares in Eluppakudi.

4.It is the allegation in the affidavit filed in support of the writ petition that the third respondent, who is a public authority, ought not to have encroached upon the property of the petitioner without following due process of law. It is unfortunate that the petitioner has not filed the writ petition for issuing a direction against the third respondent himself for getting the property of the petitioner. In the writ petition, he prays only to direct the respondents 1 and 2 to remove the encroachment made by the third respondent in the petitioner's patta land.

5.No Statute or Government Order empowers the District Collector and the Revenue Officials to remove the encroachment in private patta land. Therefore, the writ petition is not maintainable and accordingly, the same stands dismissed. No costs. It is open to the petitioner to file a



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civil suit as against the local body to establish his title and recovery of possession and also obtain interim order that may be appropriate, during the pendency of the suit. Consequently, connected miscellaneous petition is closed.

**[S.S.S.R., J.]      [S.S.Y., J.]**  
**29.08.2022**

Index: Yes/No

Internet: Yes

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and  
**S.SRIMATHY, J.**

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