



W.P.(MD) No.28518 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.28518 of 2022**

**and**

**W.M.P.(MD)Nos.22527 and 22530 of 2022**

Rajakiliammal

... Petitioner

**-Vs-**

1.The District Collector,  
Thoothukudi District.

2.The Tahsildar,  
Sathankulam Taluk, Thoothukudi District.

3.The Block Development Officer,  
Sathankulam, Thoothukudi District.

**Page 1 of 6**



W.P.(MD) No.28518 of 2022

WEB COPY 4.The President,

Arasoor Village Panchayat,  
Sathankulam Taluk, Thoothukudi District.

5.M.Rajakani

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction order passed by the 4<sup>th</sup> respondent dated 08.12.2022 and quash the same as illegal, malicious and arbitrary.

|                |                                                           |
|----------------|-----------------------------------------------------------|
| For Petitioner | : Mr.R.Balakrishnan                                       |
| For R1 & R2    | : Mr.P.T.Thiraviyam,<br>Government ADvocate               |
| For R3 & R4    | : Mr.S.R.A.Ramachandran,<br>Additional Government Pleader |

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

The eviction notice dated 08.12.2022 issued by the 4<sup>th</sup> respondent, directing for removal of encroachment made by the petitioner in Survey No.95/1C1, Arasoor Village-I, Sathankulam Taluk and Thoothukudi District, is under challenge in this Writ Petition.

***Page 2 of 6***



W.P.(MD) No.28518 of 2022

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2.Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents 3 and 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5<sup>th</sup> respondent is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, she is having absolute right and title over the property in Survey No.95/1C, Arasoor Village-I, Sathankulam Taluk and Thoothukudi District to an extent of 4 cents. The 5<sup>th</sup> respondent filed a suit in O.S.No.40 of 2019 on the file of the District Munsif Court, Sathankulam, claiming pathway right in respect of the property in Survey No.95/1C1. Thereafter only, the petitioner came to know about the sub-division of Survey No.95/1C into Survey No.95/1C1 and Survey No.95/1C2. Therefore, the petitioner made an application before the respondents 1 and 2 to restore the



W.P.(MD) No.28518 of 2022

entire property in Survey No.95/1C in its original position. Further, she filed a suit in O.S.No.67 of 2022 on the file of the District Munsif Court, Sathankulam, seeking declaration of her title and permanent injunction and the same is pending. In the meantime, the impugned eviction notice came to be issued. Hence, the petitioner is before this Court with the aforesaid prayer.

5.The learned counsel for the petitioner submitted that as per the revenue records, there is no pathway or cart track in Survey No.95/1C and there is no semblance of evidence on the part of the respondents that the pathway is available before the alleged sub-division of Survey No.95/1C.

6.The learned Government Advocate for the respondents 1 and 2 submitted that during sub-division of Survey No.95/1C, Survey No.95/1C1 is classified as 'Poosthithi Pathway'.

7.In view of the above, we are of the view that as per the revenue records, Survey No.95/1C1 is classified as 'Poosthithi Pathway', we are not



W.P.(MD) No.28518 of 2022

WEB COPY inclined to interfere with the impugned eviction notice dated 08.12.2022 issued by the 4<sup>th</sup> respondent. Therefore, this Writ Petition stands dismissed. However, if the petitioner has any grievance, she can workout her remedy before the Civil Court, where the aforesaid Civil Suits are pending. No costs. Consequently, connected miscellaneous petitions are closed.

**[D.K.K., J.] & [R.V., J.]**  
**20.12.2022**

Index : Yes / No

Internet : Yes / No

*Myr*

To

- 1.The District Collector,  
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**Page 5 of 6**



WEB COPY



W.P.(MD) No.28518 of 2022

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**AND**

**R.VIJAYAKUMAR, J.**

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**W.P.(MD)No.28518 of 2022**

**20.12.2022**

***Page 6 of 6***