



W.P.No.1396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1396 of 2023

&

W.M.P.Nos.1470 and 1472 of 2023

D.Madeshwari

...Petitioner

Vs.

1.The District Collector
Dharmapuri District
Dharmapuri

2.The Tahsildar
Karimangalam Taluk
Dharmapuri District

3.The Special Tahsildar
AdiDravidar and Tribal Welfare Department
Dharmapuri district

4.The Executive Officer
Karimangalam Town Panchayat
Karimangalam Taluk
Dharmapuri District

5.Nagammal

6.P.Ravisankar

... Respondents



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P R A Y E R: Writ petition filed under Article 226 of the Constitution of

India praying to issue a Writ of Certiorarified mandamus relating to the proceedings 17.03.2022 Ref.No.Na.Ka.07/2021/A1 issued by the 4th respondent and quash the same and consequently direct the respondent authorities restore and handover the plot No.140 measuring 3 cents in S.No.16/3A1 Karimangalam Village, Karimangalam Taluk, Dharmapuri district to the petitioner.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mrs.R.Anitha, Spl.G.P for R1 to 3

Mr.T.Chandrasekaran, Spl.G.P for R4

ORDER

The writ petition is filed to issue a Writ of Certiorarified mandamus relating to the proceedings 17.03.2022 Ref.No.Na.Ka.07/2021/A1 issued by the 4th respondent and quash the same and consequently direct the respondent authorities restore and handover the plot No.140 measuring 3 cents in S.No.16/3A1 Karimangalam Village, Karimangalam Taluk, Dharmapuri district to the petitioner.

2. It is the grievance of the petitioner that she was granted patta on



29.11.1994. When that being so, by impugned order dated 17.03.2022, the

4th respondent has issued a tender for construction of over head water tank in the same land. Therefore, the Writ Petition is filed to quash the impugned order and to restore the land.

3. Learned counsel appearing for the petitioner would submit that she has already filed a suit in O.S.No.99 of 2022 on the file of District Munsif Court, Dhramapuri. Despite the pendency of the suit, the respondents have constructed the over head water tank. Hence, seeks the relief.

4. Learned Special Government Pleader appearing for the respondents would submit that the petitioner name is not found in the patta proceedings and the construction is almost over. Hence, oppose the Writ Petition.

5. The only grievance of the petitioner is that it is her patta land and therefore the respondents cannot have any right over the property. Since, the petitioner has already filed a suit and the same is pending before the



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District Court, Dhramapuri seeking declaration. In any event if the petitioner establishes her title before the Civil Court, the petitioner is entitled to seek for compensation from the respondents. Since the over head water tank is already under the process of completion and the substantial construction is over, at this stage, this Court is not inclined to stall the proceedings. However, it is left open to establish her title and seek appropriate remedy in the event she succeeds in the Civil Court.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

23.01.2023

kpr
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No



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N. SATHISH KUMAR, J.

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