



WEB COPY



W.P.No.14770 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.14770 of 2017

Mrs.S.Poongodi

... Petitioner

Vs.

1. The District Collector,
Vellore District, Vellore.

2. The Revenue Divisional Officer,
Ranipet, Vellore District.

3. The Deputy Superintendent of Police,
Ranipettai, Vellore District.

4. The Tahsildar,
Arakonam Taluk Office,
Arakonam, Vellore District.

5. The Village Administrative Officer,
Vadamambakkam Village,
Arakonam Taluk, Vellore District.

6. The Executive Engineer O&M,
TANGIDCO, Arakonam,
Vellore District.

7. Tmt.Geetha Kuppan

... Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 4 to initiate an order for eviction of the 7th respondent from the property situated at Senthil Nagar, Vadamambakkam Village, Arakonam Taluk, comprised in Survey No.524 /1 measuring 42 cents bearing Patta No.67 and to quit and deliver the vacant possession of the property to the petitioner and consequently direct the 5th and 6th respondent to cancel the mutations made in the name of the 7th respondent as illegal.

For Petitioner : Mr.K.Shahul Hameed

For Respondents : Mrs.N.Senthil Selvi,
(for R1, R2, R4 & R5)

Mr.S.Sugendran, (for R3)

Mr.Mahusudanan, Senior Counsel for EB,
(for R6)

No Appearance (for R7)

ORDER

The writ petition is filed to direct the respondents 1 to 4 to initiate an order for eviction of the 7th respondent from the property situated at Senthil Nagar, Vadamambakkam Village, Arakonam Taluk, comprised in Survey No.524 /1, measuring 42 cents bearing Patta No.67 and to quit and deliver the vacant possession of the property to the petitioner and



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consequently direct the 5th and 6th respondents to cancel the mutations made in the name of the 7th respondent as illegal.

2. The petitioner herself has admitted that she claimed the right over the property under the private share, as she obtained the property by way of sale deed. Now, she had stated that some third party has encroached upon the property.

3. This Court is of the view that the person claiming title under the private share, has to work out the remedy before the Civil Court in case of any encroachment over the property. The writ Court cannot decide the matter, as it requires evidence and detailed trial.

4. Therefore, under these circumstances, this writ petition is dismissed. However, the petitioner is at liberty to work out her remedy under law. However, there shall be no order as to costs.

21.11.2023
(2/3)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

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P.VELMURUGAN. J.,

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