



W.P.(MD)No.4115 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4115 of 2021

and

W.M.P.(MD).No.3317 of 2021

Paldurai

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director of Town Panchayat,
District Collectorate Campus,
Nagercoil,
Kanyakumari District.

3.The Block Development Officer
Thovalai Panchayat Union,
Thovalai,
Nagercoil,
Kanyakumari District.

4.The President,
Thellanthi Village Panchayat,
Kanyakumari District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from selling the trees raised by the petitioner in Survey No.562/3 of Dherisanam Thoppu Village, Thovalai Taluk, Kanyakumari District and Subsequently restrain the respondents from leasing out the property and further direct the 4th respondent not to interfere in any manner with the petitioner's peaceful enjoyment and possession of the said premises.

For Petitioner : Mr.M.Ashok Padmaraj

For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the respondents from leasing the property and selling the trees that have been raised in Survey No.562/3 and for a further direction to the fourth respondent not to interfere with the possession and enjoyment of the property.

2. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondents based on the written instructions submitted that the subject property is categorized as a "Arasu Poramboke Oorani" and this land has already been taken over by the fourth respondent and the trees were auctioned by calling



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for a public auction in favour of one Thiurmathi Chandra and she is in possession and enjoyment of the same. That apart, it is stated that the entire property is now under the control of the fourth respondent. All the relevant documents were placed before this Court.

3. In the light of the above, the relief sought by the petitioner in this writ petition cannot be granted by this Court and accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

12.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Collector,
Kanyakumari District, Nagercoil.

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Kanyakumari District.

3.The Block Development Officer
Thovalai Panchayat Union,
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N.ANAND VENKATESH, J.

tsg

4.The President,
Thellanthi Village Panchayat,
Kanyakumari District.
Kanyakumari District.

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