



W.P.(MD).No.5474 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5474 of 2021

and

W.M.P.(MD).No.4358 of 2021

A.Muneeshwari

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Taluk Office,
Kadaladi Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Kadaladi,
Ramanathapuram District.

4.The President,
Kadugu Santhai Panchayat,
Kadugu Santhai Post,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to remove the water pipe line laid under the petitioner patta land of Survey No.



W.P.(MD).No.5474 of 2021

134/1A, Patta No.1347 situated at Kadugu Santhai Village, Kadaladi Taluk,
Ramanathapuram District.

WEB COPY

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition is filed for Writ of Mandamus, to direct the respondents to remove the water pipe line laid under the petitioner patta land of Survey No. 134/1A, Patta No.1347 situated at Kadugu Santhai Village, Kadaladi Taluk, Ramanathapuram District.

2. The Special Government Pleader appearing for the respondents objected to the petitioner's contention and submitted that the petitioner's name is not found in the Patta and hence the said land is not belonging to the petitioner. However, the petitioner submitted that it is their ancestors land which the petitioner is inherited and the Patta stands in the name of petitioner's grandmother namely Mookkayi, wife of Karuppan Pandaram. Therefore, the respondents shall not raise any such objection, since it is the petitioner's ancestor's land.



W.P.(MD).No.5474 of 2021

3. The second objection that was raised by the Special Government Pleader is that the land belongs to several persons and joint patta is issued. This Court is of the considered opinion that inspite of Joint Patta, the respondents cannot lay pipe line in the petitioner's land, since the petitioner is also having right over the property. Therefore, the respondents are directed to survey the land and leave the property which belongs to the petitioner. The respondents may choose other alternative land to lay the pipe line.

4. With these observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Sml



W.P.(MD).No.5474 of 2021

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Taluk Office,
Kadaladi Taluk,
Ramanathapuram District.
- 3.The Block Development Officer,
Kadaladi,
Ramanathapuram District.
- 4.The President,
Kadugu Santhai Panchayat,
Kadugu Santhai Post,
Kadaladi Taluk,
Ramanathapuram District.



WEB COPY



W.P.(MD).No.5474 of 2021

S.SRIMATHY, J.

Sml

W.P.(MD).No.5474 of 2021

27.09.2023