



W.P(MD)No.6948 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.6948 of 2021

and

W.M.P(MD)Nos.5336, 7983 & 8592 of 2021

Ramalingam

... Petitioner

Vs.

1.The District Collector

Thoothukudi District,

Thoothukudi.

2.The Thasildar

Eral Taluk,

Thoothukudi District.

3.The Executive Officer

Perunkulam Town Panchayat,

Perunkulam,

Thoothukudi District.

...Respondents



W.P(MD)No.6948 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to stop the construction in S.No.67/132E in Patta no. 2692 situated at Perunkulam Village, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.B.Saravanan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to stop the construction that was put up in Survey No.67/132E situated at Perunkulam Village, Eral Taluk, Thoothukudi District.

2. When the matter came up for admission on 15.04.2021, this Court passed the following :

“ The main grievance that has been raised by the petitioner in this Writ Petition is that the respondents are proceeding to put up constructions in the patta land belonging to the petitioner. A representation was given



WEB COPY



W.P(MD)No.6948 of 2021

by the petitioner in this regard on 17.03.2021 and in spite of the same, the respondents proceeded with the construction activities.

2. Mrs.P.M.Vaishnavi, learned Government Advocate appearing on behalf of the third respondent submitted that the respondents are yet to get instructions in this case.

3. Registry is directed to post this case on 14.06.2021.

4. In the meantime, there shall be a order of interim injunction restraining the respondents herein from proceeding with the construction in S.No.67/132E in Patta No.2692, situated at Perunkulam Village, Eral Taluk, Thoothukudi District, pending disposal of this Writ Petition.”

3. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of respondents submitted that the father of the petitioner had already conveyed four cents of land and in that, a fair price shop was being run. Since it became dilapidated, the same was demolished and in the very same place, the building was sought to be put up. The learned Additional Government Pleader further submitted that apart from the four cents that



W.P(MD)No.6948 of 2021

was conveyed, no attempt was made to encroach upon the property belonging to the petitioner.

4. In the light of the above submissions made by the learned Additional Government Pleader, if the petitioner is aggrieved by the usage of four cents of land, the petitioner has to necessarily workout his remedy before the competent civil Court. No orders can be passed in that regard in this Writ Petition. In so far as the remaining portion of the property belonging to the petitioner, the respondents have taken a stand that they do not intend to put up any construction in the property. The stand taken by the respondents is hereby recorded. If any structure or pillar has been erected in the remaining extent of the property belonging to the petitioner, the same shall be removed.

5. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petitions are closed.

16.10.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

RM



W.P(MD)No.6948 of 2021

WEB COPY

To

- 1.The District Collector
Thoothukudi District,
Thoothukudi.
- 2.The Thasildar
Eral Taluk,
Thoothukudi District.
- 3.The Executive Officer
Perunkulam Town Panchayat,
Perunkulam,
Thoothukudi District.



WEB COPY



W.P(MD)No.6948 of 2021

N.ANAND VENKATESH, J.

RM

W.P(MD)No.6948 of 2021

16.10.2023