



W.P(MD)No.9888 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.9888 of 2023
and W.M.P.(MD) No.8722 of 2023**

Settu

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Trichy District.
- 2.The Block Development Officer,
Manachanallur Panchayat Union Office,
Trichy District.
- 3.Revenue Divisional Officer,
Trichy District.
- 4.The Tahsildar,
Manachanallur Taluk Office,
Trichy District.
- 5.Banu,
President,
Thiruvasi Village,
Manachanallur Taluk,
Trichy District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the un-authorized construction made by the 5th respondent by encroaching the property comprised in Survey No.156/19 situated at



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Thiruvasi Village, Manachanallur Taluk, Trichy District, for the purpose of construction of a Mahalir Training Centre building on the basis of petitioner's representation dated 05.04.2023.

For Petitioner : Mr.B.Jameel Arasu
For Respondents 1, 3 & 4 : Mr.D.Sachi Kumar
Additional Government Pleader
For 2nd Respondent : Mr.J.Ashok
Additional Government Pleader
For 5th Respondent : Mr.M.Karunanithi

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the un-authorized construction made by the 5th respondent by encroaching the property comprised in Survey No.156/19 situated at Thiruvasi Village, Manachanallur Taluk, Trichy District, for the purpose of constructing Mahalir Training Centre building.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner, Mr.D.Sachi Kumar, learned Additional Government Pleader appearing for the respondents 1, 3 and 4, Mr.J.Ashok, learned Additional Government Pleader appearing for the second respondent and Mr.M.Karunanithi, learned counsel for the fifth respondent.



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3. It is the case of the petitioner that he is the absolute owner of S.No. 156/19 in Thiruvasi Village, Manachanallur Taluk, Trichy District. It is the further case of the petitioner that the petitioner is having a building to house his cattle shed and cows. Adjacent to his house, the fifth respondent is having a Mattu Patti in S.No.156/20 and the said property is being used as property of the Village for public purpose.

4. The grievance of the petitioner is that the second respondent has encroached into the property of the petitioner to construct a Mahalir Training Centre. However, this statement is stoutly denied by the respondents. In the counter affidavit, the second respondent admitted the ownership of the petitioner in S.No.156/19, however, denied the allegation of the petitioner that the respondents have encroached the property of the petitioner. It is the case of the second respondent that the entire extent in Survey No.126/20 is the property of the local body and the alleged construction put by the respondents is only in Survey No.126/20.

5. There is no dispute with regard to the rights of the petitioner in Survey No.126/19 and the rights of the respondents in Survey No.126/20. Since, the dispute appears to be marginal, this Court directs the fourth respondent Tahsildar to conduct survey after issuing notice to the petitioner and the second respondent and in their presence demarcate the boundaries



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of the property of the petitioner in S.No.156/19, Thiruvasi Village, Manachanallur Taluk, Trichy District and the property of the respondents in S.No.156/20 and also draw a report as to whether the second respondent is in encroachment of the property of the petitioner in S.No.156/19. In case, the report reveals that the second respondent is in encroachment of a portion of the property of the petitioner, the said portion shall be vacated by the second respondent and handed over to the petitioner within a period of six weeks from the date of the report.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
14.09.2023

Index : Yes / No
Neutral Citation : Yes / No
sj

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4.The Tahsildar,
Manachanallur Taluk Office,
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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

sj

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