



W.P.(MD)No.17461 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17461 of 2021

Maryammal @ Arockiya Mary

... Petitioner

-VS-

- 1.The District Collector,
O/o.Collectorate, Karur, Karur District.
- 2.The District Revenue Officer,
O/o. District Revenue Office, Collectorate,
Karur, Karur District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Kulithalai Taluk, Karur District.
- 4.The Thasildhar,
Kadavur Taluk, Karur District.
- 5.The Village Administrative Officer,
11-D, Edayapatti West Village,
Kadavur Taluk, Karur District.
- 6.Nagammal
- 7.Chinnathi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th and 5th respondents to consider the petitioner's representation dated 23.06.2021 and hold the proper enquiry and cancel BMC receipt issued by the 5th respondent in receipt number 41, 42, 43/1429.

For Petitioner : Mr.S.Balaji

For R1 to R5 : Mr.A.K.Manikkam
Special Government Pleader

For R6 and R7 : Mr.T.A.Ebenezer

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 4 and 5 to consider the representation made by the petitioner on 23.06.2021 and to hold an enquiry and cancel the B-Memo Receipt issued to the respondents 6 and 7 with respect to the subject properties in Survey Nos.1954/1 and 1955/1 at Edayapatti West Village, Kadavur Taluk, Karur District.

2. Heard the learned counsel appearing on behalf of the petitioner, learned Special Government Pleader appearing on behalf of the respondents 1 to 5 and the learned counsel appearing on behalf of the respondents 6 and 7.



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3. The specific case of the petitioner is that she has been enjoying the subject property for a long period of time and whereas, a B-Memo Receipt has been given in the names of one Muthusamy, Nagammal and Chinnathi. According to the petitioner, the said Muthusamy is dead and gone and the respondents 6 and 7 are now trying to take advantage of the B-Memo Receipt and take control of the property, which is in possession and enjoyment of the petitioner. Under such circumstances, the representation was made by the petitioner to the respondents 4 and 5 to cancel the B-Memo Receipt.

4. The learned Special Government Pleader appearing on behalf of the official respondents submitted that the practice of giving B-Memo Receipt has already been stopped by the Government and no more B-Memo Receipts are issued.

5. In the considered view of this Court, the possession of the petitioner in the subject property is in her capacity as an encroacher and the petitioner does not have any independent right or title over the property. The respondents 6 and 7 also seem to be claiming right over the property as



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encroachers. Therefore, it is an *inter se* dispute between two encroachers and it is not necessary for this Court to exercise its Writ jurisdiction in a case of this nature. This is more so, since the practice of issuing B-Memo Receipts has already been stopped by the Government.

6. This Writ Petition is disposed of accordingly. No costs.

NCC : Yes/No
Index : Yes/No
smn2

08.11.2023

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4/5



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N.ANAND VENKATESH, J.

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