

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD).No.17111 of 2014

and

M.P.(MD).No.1 of 2014

M.Kavitha

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Aundipatti Taluk Office,
Aundipatti,
Theni District.

3.The Block Development Officer,
Mayladumparai Block,
Mayladumparai,
Aundipatti Taluk,
Theni District.

4.The President,
Kumanan Thozhu Panchayat,
Kumanan Thozhu,
Aundipatti Taluk,
Theni District.

5.The Inspector of Police,
Mayiladumparai Police Station,
Mayiladumparai,
Aundipatti Taluk,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents not to initiate any coercive action against the petitioner without following the due process of law for evicting the petitioner from the land in survey No.114/6, situates in Main Road, Kumanan Thozhu South Street Pettu, 2nd Ward, Kumanan Thozhu Panchayat, Mayiladumparai Village, Aundipatti Taluk, Theni District and consequently direct the respondents not to disturb the peaceful possession and enjoyment of the petitioner over the above mentioned land, except due process of law based on petitioner's representations dated 14.10.2014.

For Petitioner :Mr.S.Jeyakarthik

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 to R4

:Mr.R.M.S.Sethuraman
Additional Public Prosecutor for R5

ORDER

This petition has been filed seeking for a mandamus, to direct the respondents not to initiate any coercive action against the petitioner without following the due process of law for evicting the petitioner from the land in survey No.114/6, situates in Main Road, Kumanan Thozhu South Street Pettu, 2nd Ward, Kumanan Thozhu Panchayat, Mayiladumparai Village, Aundipatti Taluk, Theni District.

2. Today (02.03.2023), when the matter is taken up for hearing, it has been brought to the notice of this Court by the learned Special Government Pleader, based upon the instructions issued by the Block Development Officer/third respondent herein in his communication dated 08.02.2023 that the petitioner has been evicted from the said land and the Panchayat Office has been constructed in the said place. This is being disputed by the petitioner by claiming that the land in which the petitioner was in possession is still lying vacant and the panchayat building has been constructed in an area adjacent to the land, in which the petitioner claims

patta.

3. In view of the statement made by the third respondent in his communication dated 08.02.2023 in Na.Ka.No.3159/2014/T2 to the Additional Government Pleader, I do not find any reason to further adjudicate upon in this writ petition.

4. Hence, this writ petition is closed. However, if the petitioner seeks to claim patta for the property, it is for him to approach the appropriate authority. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.03.2023

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

sbn

To

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- 3.The Block Development Officer,
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Kumanan Thozhu,
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K.KUMARESH BABU, J.

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