



W.P.(MD)No.20885 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.20885 of 2014

Lakshmi

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur,

2.The Revenue Divisional Officer,
Pattukkottai.

3.The Tahsildar,
Peravoorani Taluk,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus, forbearing the respondents from interfering the petitioner's peaceful possession and enjoyment of the property in S.F.No.94/3 measuring 7 cents including a house in it.



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For Petitioner :Mr.P.Ganapathi Subramanian

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The writ petition has been filed seeking for mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property in S.F.No.94/3 measuring 7 cents including a house in it.

2. The case of the petitioner is that she had purchased the property in Survey No.94/3 to an extent of 7 cents and from that day, she is in possession and enjoyment of the said property. The learned counsel for the petitioner would submit that the patta has also been issued in patta No.594 in favour of the petitioner, in respect of 94/2B and 9A. He would submit that Survey No.94/3 is classified as Natham land and therefore, he is in lawful possession of the same. However, the 3rd respondent is trying to interfere with the possession of the petitioner by claiming that the said land



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is a poramboke land and hence, he had approached this Court with the aforesaid prayer.

3. Countering his arguments, learned Special Government Pleader would submit that the land in Survey No.94/3 has been classified as assessed Government lands and had also produced the relevant revenue records. The claim of the petitioner that the land is a natham land is false. She would further submit that since the lands are not classified as natham land, the petitioner is an encroacher in the said land and they are trying to remove such encroachment in the Government lands. Even though the petitioner purchased the property in Survey No.94/3 to an extent of 7 cents, from the revenue records, it is seen that the lands have been classified as Government Punjai assessed dry lands. Hence, the petitioner, as a matter of right, cannot seek patta in respect of Survey No.94/3, as it is been classified as Sarkar Punjai.

4. This Court is of the view that since the petitioner is admittedly in possession of the property by way of the sale deed of the year 1980, any



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action against the petitioner cannot be initiated, without following due process of law.

5. The writ petition as prayed for cannot be entertained and in fine is dismissed. There shall be no order as to costs. However, if any action is sought to be initiated for evicting the petitioner, the same shall be made after following due process of law.

30.01.2023

Index : Yes / No
Speaking Order/Non Speaking Order
sbm

To

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K.KUMARESH BABU, J.

sbn

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