



W.P.(MD)No.20552 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.20552 of 2023

S.Selvanathan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Thasildar,
Karaikudi Taluk,
Sivagangai District.

3.Muthiyah

4.Sumathi

5.Kannagi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment made by the respondents 3 to 5 in the petitioner's patta land in Survey No.375/15 to an extent of 1.5 cents at Vetriyur Village, Karaikudi Taluk, Sivagangai District by considering the petitioner's representation dated 03.07.2023 in accordance with law within the time stipulated by this Court.

For Petitioner
For R-1 & R-2

:Ms.Jeya Revathy
:Mr.T.Villavankothai,
Additional Government Pleader



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

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Heard Ms.R.Jeya Revathy, learned counsel for the petitioner and Mr.T.Villavankothai, learned Additional Government Pleader for respondents 1 and 2.

2. This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by respondents 3 to 5 in the petitioner's patta land in Survey No.375/15 measuring to an extent of 1.5 cents at Vetriyur Village, Karaikudi Taluk, Sivagangai District, by considering the petitioner's representation, dated 03.07.2023.

3. The case of the petitioner is that the petitioner is the owner of the land in Survey No.375/15 measuring an extent of 4.35 cents and the private respondents, who are the owners of adjacent land, have encroached the land of the petitioner to an extent of 1.5 cents. Aggrieved over the same, the petitioner has approached the official respondents seeking to remove the encroachment made. Since no action was taken, the petitioner has approached this Court by way of this writ petition.



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4. This Court is of the view that the respondents 1 and 2, have no authority to initiate proceedings for eviction in respect of a patta land. The petitioner can only seek relief before the civil Court for recovery of possession.

5. With such liberty preserved to the petitioner, this writ petition is dismissed. No Costs.

[S.S.S.R., J.] [D.B.C., J.]
24.08.2023

Index : Yes / No
NCC : Yes / No
pm

To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Dindigul East Taluk, Dindigul.
- 3.The Block Development Officer(Village Panchayats),
Sanarpatti Panchayat Union,
Dindigul.
- 4.The Revenue Inspector,
Kambiliyampatti Firka,
Dindigul East Taluk, Dindigul District.



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and

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