



W.P(MD)No.5685 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5685 of 2015

and

M.P(MD)No.1 of 2015

N.Rojakani

... Petitioner

Vs

- 1.The District Collector,
Thanjavur District.
- 2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Pattukkottai Taluk,
Thanjavur District.
- 3.The President,
Rowthanvayal Panchayat,
Sembaipattinam,
Ammanichatram Post,
Perravoorani Taluk,
Thanjavur District.
- 4.The District Planning Organiser,
Sarva Shikshya Abiyan (S.S.A),
Collector Office Building,
Court Road,
Thanjavur District.



W.P(MD)No.5685 of 2015

5.The Block Development Supervisor,
Iruppu Kuruvi Karambai,
Kururi Karambai Post,
Perravoorani Taluk,
Thanjavur District.

6.The HeadMaster,
Panchayat Union Middle School,
Rowthanvayal Panchayat Union,
Sembaipattinam,
Ammanichatiram Post,
Thanjavur District.

7.The Inspector of Police,
Sethubavachathiram Police Station,
Perravoorani Taluk,
Thanjavur District.

8.M.Thasdthagir

9.A.Sabeetha

10.A.Mohamed Ali

11.A.Mohamed Arif

12.A.Kamarunisha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 6 from trespassing into petitioner's properties comprised in S.F.No.31/44 to an extent 7 cents, 31/47 to extent of 06. acres and in S.F.31/53 to an extent of 2180 sq.ft. Rowthanvayal Village, Sambaipattinam, Post, Peravoorani Taluk, Thanjavur District at the guise of putting up any building construction for the sixth respondent or in any manner whatsoever by consideration petitioner's representation dated 04.04.2015.



W.P(MD)No.5685 of 2015

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.N.GA.Natarajan
Government Advocate
for R.1 to R.6

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.7

ORDER

Heard both sides.

2. The petitioner claims right over the petition mentioned land comprised in S.F.No.31/44 (7 cents), S.F.No.31/47 (0.6 acres) and S.F.No.31/53 (2180 sq.ft) in Rowthanvayal Village, Sambaipattinam, Post, Peravoorani Taluk, Thanjavur District.

3. When the matter was taken up for final hearing, the learned Government Advocate clarified that the respondents have no claim whatsoever in S.F.No.31/44 and S.F.No.31/53. They however asserted that S.F.No.31/47 belongs to Pallivasal and Pallivasal has no objection for putting up a school in the said site.



W.P(MD)No.5685 of 2015

4. The petitioner is not able to produce parent title document or revenue record in his favour in respect of S.F.No.31/47. Therefore, the petitioner's claim over S.F.No.31/47 is rejected. In respect of the other two survey numbers, Mandamus sought for is granted.

5. This writ petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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W.P(MD)No.5685 of 2015

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