



WP (MD) No.15406 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

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CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.15406 of 2016

and

WMP (MD) No.11345 of 2016

R.Karpagavallli

... Petitioner

Vs

1.The District Collector,
Karur,
Karur District.

2.The Assistant Engineer,
Public Works Department,
Mayanur Post,
Krishnarayapuram Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, forbearing the 2nd respondents from coercively disturbing the petitioner from her dwelling house at S.No.20, Thirukambuliur Village, Krishnarayapuram Taluk without having any jurisdiction.

For petitioner : Mr.Azhagesan

For Respondents : Mr.T.Vilavan Kothai,

Additional Government Pleader



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ORDER

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This writ petition is filed for forbearing the 2nd respondent from coercively disturbing the petitioner from her dwelling house at S.No.20, Thirukambuliur Village, Krishnarayapuram Taluk without having any jurisdiction.

2.The learned Counsel for the petitioner submits that the land in S.No.20, Thirukambuliur Village, Krishnarayapuram Taluk, Karur District originally belongs to one Mahamuni @ Raja, S/o.Karuppanna Pillai. The said Mahamuni had alienated the property in favour of one Mayavan by registered a sale deed dated 12.12.2006. After the death of Mayavan, the property devolved upon his legal heirs, from whom the petitioner has purchased the property in the year 2016 by way of a sale deed dated 28.01.2016. The property is situated near the railway track and this survey number and several other survey numbers have been wrongly classified as Iruppu Pathai / Railway track. Taking advantage of the same, the 2nd respondent attempted to disturb her possession, however, the 2nd



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respondent is not having any jurisdiction to evict this petitioner. The petitioner has made construction and she is residing in the building.

3.Per contra, the learned Additional Government Pleader appearing for the respondents by referring the counter affidavit submits that the land in S.No.20 is a government land and the government formed the south bank channel and got the source from the cauvery river and irrigated more than 7,132 acres in Karur and Trichy Districts. The petitioner without any valid title encroached the cauvery river bed and has put up construction. Therefore, the general public made several representations to the 1st respondent, who in turn directed the 2nd respondent to remove the encroachment from the river bank. Accordingly action was taken as against the petitioner under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

4.The learned Additional Government Pleader further submits that the petitioner has created some unregistered



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documents and has put up marriage hall along with her husband. The petitioner has also referred about the sale deed dated 28.01.2016, however, in her representations there is no reference about the said sale deed and it has not been annexed. It is also the case of the 2nd respondent that the property is not located near railway track, it is located in between the south bank channel and the National highways. However a mistake in UDR has crept in as railway track and the 2nd respondent has taken steps to rectify it.

5.This Court has considered the rival submissions made and perused the materials placed on record.

6.Though the petitioner claims that she is the owner of the property, admittedly the land in S.No.20 is classified as Railway track. The respondents claim that the land is a river bank and is also classified as Government Land. The petitioner has produced certain documents in support of her claim. However, the documents are unregistered documents. Therefore, this Court is not inclined to pass any orders. Accordingly this writ petition is dismissed. No



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costs. Consequently connected miscellaneous petition is also dismissed.

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To

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B.PUGALENDHI, J.

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