



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.09.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.22078 OF 2023
and
W.M.P(MD)No.18407 of 2023**

Muthu

:Petitioner

.VS.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsilar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.
- 3.The Block Development Officer,
Thirumayam Panchayat Union,
Thirumayam,
Pudukkottai District.
- 4.The President,
Kulamangalam Panchayat,
Kulamangalam Village,
Thirumayam Taluk,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 and their subordinates not to dispossess his



and the Petitioner family from the property comprised in S.No.508/9 measuring about 0.01.0 Ares ie., 2 ½ cents out of 4.5 acres situted at Kulamangalam Village, Thirumayam Taluk,Pudukkottai District under the guise of encroachment,not otherwise than due process of law, pending disposal of the Civil Suit in O.S.No.531 of 2016, on the file of the Sub-Court, Pudukkottai.

For Petitioner	:Mr.M.Joseph Thathus Jerome
For Respondents 1 and 2	:Mr.M.Linga Durai Special Govt.Pleader
For Respondents 3 and 4	:Mr.P.Thilak Kumar Government Pleader
For Alagappan	:Mr.M.Anbarasan for K.P.S.Law Associates

ORDER

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

This Writ Petition is filed seeking a direction to the respondents 1 and 2 and their subordinates not to dispossess him and his family from the property comprised in S.No.508/9 measuring about 0.01.0 Ares ie., 2 ½ cents out of 4.5 acres situted at Kulamangalam Village, Thirumayam Taluk,Pudukkottai District under the guise of encroachment,not otherwise than due process of law, pending disposal of the Civil Suit in O.S.No.531 of 2016, on the file of the Sub-Court, Pudukkottai.



WEB COPY

2.Mr.M.Linga Durai, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 3 and 4 and Mr.M.Anbarasan, learned counsel appears on behalf of Mr.Alagappan. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.It is the case of the Petitioner that the entire property is classified as "Natham" and he is in enjoyment of the said property by putting up a residential house for long number of years. The Petitioner further states that the local body has also recognized the Petitioner's possession and has passed a Resolution to the effect that the Local Body has no objection for giving patta in respect of the land in favour of the Petitioner. It is under such circumstance, the Petitioner has an apprehension that the official respondents may interfere with his possession without following due process of law, at the instance of the third parties. The Petitioner has already filed a suit in O.S.No.531 of 2016 before the Sub-Court, Pudukkottai. The said suit has now been transferred to the file of Sub-Court, Thirumayam. Though the Petitioner has filed the suit for permanent injunction restraining the revenue officials from interfering with his



WEB COPY

possession and enjoyment of the property, it is stated that the suit prayer has now been amended including the prayer for declaration of title. It is in the said circumstance, this Court finds that the Petitioner has a bona-fide claim in respect of the property.

4.The learned counsel by name Mr.M.Anbarasan, who represent one Alagappan, submitted that he has filed a petition to implead himself as a party in the above suit filed by the Petitioner and it appears that there is a third party dispute, under the pretext that it is the property of the temple. He would further submit that the said Alagappan will be impleaded in the suit filed by the Petitioner, if his application is allowed. It is also open to him to approach the competent Civil Court by filing an independent suit. However, the official respondents have no claim over the property and the possession of the Petitioner is accepted by the revenue officials.

5.In such circumstance, this Writ Petition is disposed of with a direction to the official respondents not to initiate any proceedings against the Petitioner for eviction from the property in question, till such time, the suit is disposed of. No costs.



Consequently, connected Miscellaneous Petition is closed.

WEB COPY

[S.S.S.R.,J.] [D.B.C,J.]
11.09.2023

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

vsn

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsilar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.
- 3.The Block Development Officer,
Thirumayam Panchayat Union,
Thirumayam,
Pudukkottai District.
- 4.The President,
Kulamangalam Panchayat,
Kulamangalam Village,
Thirumayam Taluk,
Pudukkottai District.

S.S.SUNDAR, J.
AND



WEB COPY



D.BHARATHA CHAKRAVARTHY,J.

vsn

ORDER MADE IN
W.P(MD)NO.22078 OF 2023
and
W.M.P(MD)No.18407 of 2023

11.09.2023