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W.P.(MD) No.23215 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.23215 of 2023
and
W.M.P.(MD) No.19406 of 2023**

Kadhar Maideen

... Petitioner

-VS-

- 1.The District Collector
O/o.District Collector Office
Thoothukudi District
- 2.The Revenue Divisional Officer
Revenue Divisional Office
Thoothukudi District
- 3.The Thasildar
O/o.Thasildar Office
Kayathar
Thoothukudi District
- 4.The Block Development Officer
O/o.Block Development Office
Kayathar, Thoothukudi District



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5.The President
O/o.Panchayat Union
Therkumylodai
Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to take appropriate action against the respondents 4 and 5, who unlawfully acquired and destructed a cattle shed, which already existed in petitioner's land without getting any prior permission from the petitioner and used the same land for constructing on Samuthayakudam is highly illegal and affected petitioner's livelihood and consider the representation sent by petitioner to the respondents herein dated 22.07.2023.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R4

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This writ petition is filed for issuance of a writ of mandamus directing the first respondent to take appropriate action against the respondents 4 and 5, who unlawfully acquired and destructed the cattle shed,



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which is existed in the petitioner's land, without getting any prior permission from him, for construction of Samuthayakudam therein, which is highly illegal and affects the petitioner's livelihood, based on the petitioner's representation dated 22.07.2023.

2. The petitioner claims that he is the absolute owner of the land in Survey No.40/1 of Thalaiyal Nadanthankulam Village, measuring an extent of 35 Cents. He states that the respondents 4 and 5 have encroached upon his patta land and constructing a “Samuthayakudam” for the benefit of Adi Dravidar people living in that locality. The petitioner submitted a representation dated 22.07.2023 to the respondents 1 and 4 stating not to infringe his civil rights by entering into his property. Since the authority concerned has not responded to his representation, the petitioner has filed this writ petition.

3. Learned counsel appearing for the petitioner submitted that the petitioner's patta land has been utilized for construction of “Samuthayakudam”, without getting permission or by acquiring the land.



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4. Learned Additional Government Pleader appearing for the respondents 1 to 4 produced the copy of written instructions given by the Tahsildar / third respondent to the Government Pleader, dated 21.09.2023, wherein the proceedings of the District Collector / first respondent, dated 11.02.2022, has also been enclosed. We find that the survey numbers *i.e.*, 571/9, 571/10, 571/11 and 571/12 in which Samuthayakudam is being constructed are classified as “Adi Dravidar - Natham” and they are noway connected with the petitioner's patta land. The said land has been utilized only for the welfare of Adi Dravidar people living in that locality and Samuthayakudam is being constructed only for their benefit.

5. If at all the petitioner claims title in respect of any portion of the land, he has to establish his civil rights by approaching the competent Civil Court and High Court cannot conduct a roving enquiry into the disputes relating to title to the property. The power of judicial review under Article 226 of the Constitution of India cannot be expanded for the purpose of declaring the title or to adjudicate the disputed issues. Thus, the petitioner has not established any semblance of legal right, as the construction of



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Samuthayakudam is proceeded in different survey numbers, which are classified as “Adi Dravidar - Natham” and the writ petition is therefore liable to be dismissed.

6. Accordingly, the writ petition is devoid of merits and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

03.10.2023

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

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To:

- 1.The District Collector,
O/o.District Collector Office,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi District.
- 3.The Thasildar,
O/o.Thasildar Office,
Kayathar, Thoothukudi District.



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4.The Block Development Officer,
O/o.Block Development Office,
Kayathar, Thoothukudi District.



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