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WP.No.4756/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.4756/2024

Tamilselvi

... Petitioner

Vs.

1.The District Collector
Villupuram District.

2.The Tahsildar
Tindivanam Taluk
Villupuram District.

3.The Block Development Officer
Olakur Panchayat, Tindivanam Taluk
Villupuram District.

4.The Village Panchayat Presidency
Ooral Village Panchayat
Tindivanam Taluk, Villupuram District.

5.Mrs.Banu

6.Mr.A.Sathish

... Respondents



WP.No.4756/2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents to consider petitioner representation dated 07.11.2023 and direct the respondents to take appropriate action to remove unauthorised construction in my property comprised in S.No.101/12 measuring an extent of 5 cents situated at Ooral Village, Tindivanam Taluk, Villupuram.

For Petitioner	: Mr.M.Elumalai
For RR 1 & 2	: Mrs.V.Yamuna Devi, Spl.GP
For R3 & R4	: Mr.K.H.Ravikumar, GA

ORDER

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

(1)The present writ petition has been filed by the petitioner for issuance of a writ of mandamus to direct the respondents to consider petitioner's representation dated 07.11.2023 seeking to take appropriate action to remove the unauthorised constructions put up by the private respondent namely, the 5th respondent herein, in the petitioner's property comprised in S.No.101/12 measuring an extent of 5 cents situated at Ooral Village, Tindivanam Taluk, Villupuram.

(2)This Court, after perusing the records, is unable to find consistency in the case pleaded by the petitioner.

(3)The petitioner appears to have purchased a property measuring an extent



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of 5 cents in Old S.No.71/20. new S.Nos.101/7 and 101/9 under a Sale Deed dated 20.03.1989. Thereafter, the petitioner obtained a rough patta during Natham Settlement in respect of an extent of about 100 sq.m., in S.No.101/7, new S.No.101/13.

(4)The petitioner earlier filed WP.No.11265/2022 for issuance of a writ of mandamus directing respondents 1 and 2 therein to measure and fix the boundaries of the petitioner's property comprised in old S.No.71/20, new S.Nos.107 and 109 on the basis of a registered Sale Deed dated 20.03.1989, which is in respect of S.Nos.101/7 and 101/9. In the writ petition, the petitioner impleaded the private respondents, namely, respondents 5 and 6 in the present writ petition. This Court, vide order dated 29.04.2022, disposed of the writ petition directing the 2nd respondent therein to consider the petitioner's representation dated 20.01.2021 and to pass appropriate orders on merits.

(5)Quite surprisingly, the petitioner has once again filed another writ petition in WP.No.10118/2023 for issuance of a writ of mandamus, directing the revenue Tahsildar, to consider the petitioner's representation dated 25.01.2023. In this writ petition, the petitioner's prayer was to



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consider his representation wherein the petitioner sought for patta for an extent of 5 cents comprised in new S.No.101/7 and 101/9. This Court disposed of the writ petition vide order dated 31.03.2023 by granting permission to the petitioner to file an application online in accordance with the provisions of the Patta Passbook Act, with a further direction to the official respondents to consider the same on its own merits.

(6)After filing the two writ petitions claiming title to the same property, showing them in different survey numbers, the petitioner has now come forward with the present writ petition to direct the respondents herein to consider the representation of the petitioner to take action against the private respondents by removing the unauthorised construction in the petitioner's property which is comprised in S.No.101/12 measuring an extent of 5 cents.

(7)The petitioner's claim was never in respect of new S.No.101/12. However, the petitioner now produced before this Court, the proceedings of the 2nd respondent dated 27.06.2023 to show that patta has been mutated in favour of petitioner and her husband in respect of the property in S.No.101/12A and 101/12B respectively.



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(8) From the case pleaded by the petitioner in the earlier proceedings and the patta, this Court *prima facie* finds that the petitioner has obtained revenue document on the strength of the directions issued by this Court to consider the representation of the petitioner which is never in relation to S.No.101/12A and 101/12B. Therefore, the patta is not the one which was sought by the petitioner herself. Now, based on the revenue records which has no legal basis, to draw or infer from the other documents, as we could see in this case, the petitioner has come forward with this writ petition for removal of unauthorised construction put up by private respondents in respect of a property which was never the property purchased by the petitioner herein.

(9) This Court finds no merit in the writ petition. However, as a matter of caution, this Court has decided that the claim of the petitioner is only on the basis of her own documents. It is open to the petitioner to establish her title even in respect of the property in S.No.101/12A by approaching the Civil Court concerned by impleading proper parties who are in possession of the property in S.No.101/12. When such suit is filed, the Civil Court concerned may dispose of the suit on



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merits, uninfluenced by any of the observations made by this Court in this order.

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(10)The writ petition stands **dismissed**. No costs.

[S.S.S.R., J.] [N.S., J.]
27.02.2024

AP
Internet : Yes

- To
- 1.The District Collector
Villupuram District.
 - 2.The Tahsildar
Tindivanam Taluk
Villupuram District.
 - 3.The Block Development Officer
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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

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