



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.21716 of 2019

1.M.Pattamal (Deceased)
2.M.Govindan
3.M.Angammal

.. Petitioner

LRs of deceased sole petitioner vide
order dated 13.09.2021 made in
W.M.P.No.13383 of 2020 in W.P.No.
21716 of 2019.

Vs.

The Block Development Officer,
Marakkanam Taluk,
Marakkanam,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondent to remove
the 'Eri Medai' put up in an extent of 15x10=150 sq.ft. in New S.No.8/6,
Old S.No.15/2A1, Murukery Village, Marakkanam Taluk, Villupuram
District in a time bound period as claimed in the petition dated 27.02.2019.



For Petitioner .. Mr.K.Mohanamurali
For Respondent .. Mr.T.Chandrasekaran,
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondent, Block Development Officer, Marakkanam Taluk, Villupuram District, to remove the Eri Medai put up to an extent of 15x10 sq.ft. in New S.No.8/6, Old S.No.15/2A1, Murukery Village, Marakkanam Taluk, Villupuram District. The petitioner had given a representation on 27.02.2019.

2.Pending the writ petition, the petitioner had died and her legal representatives have been substituted as 2nd and 3rd petitioners.

3.In the affidavit filed in support of the writ petition, it had been stated that the petitioner is the owner of the following property:

Sl.No	Old Survey No.	New Survey No.	Patta No.	Extent
1	20/1A	-	14	2 acre 46 cents
2	15/2 A1	8/6	-	1 acre 58 cents
3	20/4A	6/6	-	35 cents



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4. It is stated that the property was purchased by the mother of the petitioner Muniammal and her mother's brother Varathapillai by a Sale Deed registered as Doc. No.148 / 1948 in the office of the Sub-Registrar, Marakkanam, Villupuram District. It had been stated that the sons of Varathapillai had relinquished their right in the subject matter of the property. But however, no such document had been executed. There is no document of title in the name of the petitioner. It had been stated that the land in S.No.20/1A measures 2 acre and 46 cents and patta was granted to the petitioner herein. With respect to the land in S.No.15/2A1 measuring 1 acre and 58 cents and with respect to the land in S.No.20/4A measuring 35 cents, it had been stated that those lands are in the possession of the petitioner herein. It had been stated that the said land is the patta land. But there is no title document in favour of the petitioner. It is contended that the land had been categorized as Kallankuthu and later transferred as Dry Land Ayan Wet Punjai. It is stated that the respondents had put up a Erimadai in the said land. Protesting against the same, the present Writ Petition has been filed.



5.Instructions had been forwarded on behalf of the respondents, wherein it had been stated that the petitioner had actually filed WP.No.41054 of 2016 seeking examination of a representation and a direction was given to consider the said representation. It had been stated that while examining the said representation given by the petitioner, it was found that the lands in Old S.No.15/2A1 and in Old S.No.20/4A belongs to the Government and that the petitioner has no right, title or interest over the said land. It is therefore contended that the petitioner cannot question the erection of Erimadai in the said land.

6.It is seen from a perusal of the affidavit that the petitioner had not disclosed about the filing of the earlier writ petition in W.P.No.41054 of 2016, wherein an order had been passed on 23.11.2016 disposing of the writ petition. The petitioner seeks relief over the land which does not belong to the petitioner. Therefore, no relief can be granted to the petitioner. Accordingly, this Writ Petition stands dismissed. No costs.

13.12.2024

Index:Yes/No
Internet:Yes/No
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The Block Development Officer,
Marakkanam Taluk,
Marakkanam,
Villupuram District.



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C.V.KARTHIKEYAN,J.

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