



WP.No.22983 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP.No.22983 of 2019
WMP.No.22636 of 2019

Ponnan

Petitioner

Vs

1. The District Collector, Villupuram
2. The District Revenue Officer, Villupuram
3. The Deputy Director of Health, Kallakurichi
Villupuram
4. The Block Medical Officer, Kariyaloore
Villupuram

Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus, directing the Respondents not to take any steps for eviction or construction in S.No.82/4, to an extent of 0.80.0 Hectares, Mavadipattu Village, Sankarapuram Taluk, Villupuram District, without following the Tamil Nadu Encroachment Act, 1905.

For Petitioners : Mr.G.Mohammed Aseef

For Respondents : Mr.A.Selvendran, SGP-RR1 to 4

ORDER

(Order of the Court was delivered by S.Vaidyanathan, J.)



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1. This Writ Petition is filed to issue a Writ of Mandamus, directing the Respondents not to take any steps for eviction or construction in S.No.82/4, to an extent of 0.80.0 Hectares, Mavadipattu Village, Sankarapuram Taluk, Villupuram District, without following the Tamil Nadu Encroachment Act, 1905.
2. This Court heard the learned counsel on either side and considered their submissions carefully and also perused the materials placed on record.
3. According to the Petitioner, he is in possession and enjoyment of the land to an extent of 0.80.0 Hectares in S.No.82/4 at Mavadipattu Village, Sankarapuram Taluk, Villupuram District, having purchased the same under the registered sale deed dated 24.09.2004. The Authorities concerned, without issuing any show cause notice or eviction notice, on 08.07.2019 have started construction in the said land for the purpose of putting up a Medical Dispensary Unit and hence, the Petitioner has sent a representation dated 30.07.2019 to the Respondents 1 and 2, stating that he has been cultivating the said lands for the past one decade without any hindrance and paying necessary taxes to the Authorities concerned and requesting to stop such construction activities. However, the authorities have violated the laws and are trying to construct a Medical Dispensary Unit in the said land.
4. Per contra, it is the contention of the Respondents, as seen from their counter, that the land in question is classified as "Tharisu" in the revenue



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records and that the said land has been allotted to the Public Health Department, by GO.Ms.No.7420/93, dated 25.03.1993, for the purpose of constructing a Medical Dispensary Unit and Employee Quarters.

5. Even by going through the affidavit filed in support of this Writ Petition, this Court is unable to find as to how the Petitioner has purchased the property in question and also whether his vendor has got any right to sell the said property. However, the fact remains that the Petitioner was paying necessary charges to the Government in respect of the lands in question. On a perusal of the adangal extract, it appears that the Petitioner has been permitted to use the said land for the purpose of cultivation. Also from a perusal of the revenue records, it is seen that the land in question is meant for putting up a Medical Dispensary Unit. In the counter filed by the Respondents, it is denied that the Petitioner has purchased the lands in question in 2004. It is also stated by the Respondents that construction activities to put up a Rural Health Training Centre in the said lands are going on and that the Government have evicted the encroachers in the said land when the counter was filed on 26.08.2019.
6. Considering the said facts and circumstances of the case and the materials placed on record, this Court is of the view that the lands in question belonged to the Government and that it is meant for putting up buildings for Medical Units and hence, the Petitioner, as a matter of right, cannot claim any right or



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title over the lands in question or to continue to be in possession of the land in question belonging to the Government on the one hand and to stall the construction activities to put up a Medical Dispensary Unit by the Government on the other hand. If the Petitioner is put to loss and hardship by purchasing the lands from his seller/vendor, it is always open to him to

S.VAIDYANATHAN, J.

and
K.RAJASEKAR, J.

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initiate action against his vendor/seller, in a manner known to law, both criminal and civil and bring the issue to a logical end, but however, such a direction will not give any right to the Petitioner to squatt over the land in question belonged to the Government for ever.

7. With the above observations and directions, this Writ Petition is disposed of.

No costs. Consequently, the connected WMP is closed.

(S.V.N.J.) & (K.R.S.J.)
22.01.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
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To

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