



W.P.(MD)No.471 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.471 of 2024

A.Abdul Salam

... Petitioner

Vs.

1.The Assistant Director of Town Panchayat,
District Collector's Office Complex,
Thanjavur.

2.The Executive Officer,
Selection Grade Town Panchayat Office,
Ammappettai,
Thanjavur District.

3.S.Sekar

4.V.Arul @ Arunkumar

5.L.Loganathan

6.A.Balu

7.Lakshmanan

8.Indira

9.Deepa

10.Rajendran

11.Mahalingam

12.Gopalakrishnan

13.Vijayakumar

14.The Thasildhar,
Papanasam.

... Respondents



W.P.(MD)No.471 of 2024

(R3 to R13 are impleaded vide order of this Court dated 08.07.2024 in WMP(MD)No.4085 of 2024.)

(R14 is suo motu impleaded vide order of this Court dated 20.11.2024 in WP(MD)No.471 of 2024.)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to complete the enquiry and passed an order in Ref.No. Na.Ka.No. 115 of 2023, A1 dated 26.7.2023 on his file.

For Petitioner : Mr.K.Kumaravel
For Respondents : Mr.T.Amjad Khan (R1, R2 & R14)
Government Advocate
Mr.G.Gomathisankar (R3 to R13)

ORDER

This writ petition is filed seeking for a direction to the second respondent to complete the enquiry in the order passed by the second respondent in Ref.No. Na.Ka.No. 115 of 2023, A1 dated 26.07.2023.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



W.P.(MD)No.471 of 2024

3. The claim of the petitioner is that the respondents 3 to 13 are the illegal occupants and they occupied the petitioner's patta land and the petitioner wants to evict the respondents 3 to 13. Therefore, he made a representation on 28.03.2023, following which a notice was issued to the petitioner on 19.04.2023 by the second respondent directing him to submit all the relevant records on 26.04.2023 at 11:30 a.m. The petitioner duly appeared before the second respondent and had submitted all the revenue records. However, a final call has not been taken so far in this matter. Hence, this writ petition has been filed.

4. The learned Government Advocate appearing for the official respondents submitted that the petitioner has given a representation and has also given certain revenue records claiming that the respondents 3 to 13 occupied the land belonging to the petitioner. However, if it all the petitioner is inclined to evict the respondents 3 to 13, the same could be evicted only by following due process of law and not otherwise. It is not the responsibility of the first and second respondents and it is for the petitioner to approach the competent civil Court for the same.

5. The learned counsel appearing for the respondents 3 to 13 submitted that the respondents 3 to 13 have not occupied any of the land belonging to the



W.P.(MD)No.471 of 2024

petitioner, but they are residing in the natham land, for which they have been assessed by the competent revenue authorities, for which, the learned counsel appearing for the petitioner categorically contended that the tax receipt will not prove the title and even patta will also not prove the title.

6. This writ petition is closed by giving liberty to the petitioner to approach the competent Civil Court, since this is a clear case of dispute of eviction between the petitioner as well as the respondents 3 to 13. No costs.

05.12.2024

NCC : Yes / No
Index : Yes / No
Sm



W.P.(MD)No.471 of 2024

TO:-

- 1.The Assistant Director of Town Panchayat,
District Collector's Office Complex,
Thanjavur.
- 2.The Executive Officer,
Selection Grade Town Panchayat Office,
Ammapettai,
Thanjavur District.
- 3.The Thasildhar,
Papanasam.



WEB COPY



W.P.(MD)No.471 of 2024

L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.471 of 2024

Dated:
05.12.2024