



W.P.(MD) No.3087 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.3087 of 2024

and

W.M.P.(MD)No.3060 of 2024

K.M.Habeeb Rahman

... Petitioner

-Vs-

1.The District Collector,
Collectorate, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Palani, Dindigul District.

4.The Executive Officer,
Town Panchayat,
Balasamuthiram,
Palani Taluk,
Dindigul District.

5.The Village Administrative Officer,
Balasamuthiram, Palani,
Dindigul District.

...Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 5 to measure the disputed land in S.No.53/1A and New S.No.802/1 and S.No.802/2 and fix the boundaries in Balasamuthiram Village, Palani Taluk, Dindigul District within a time that may be stipulated by this Court.

For Petitioner : Mr.N.Mohan
For R1 to R3 & R5: Mr.N.Satheeshkumar
Additional Government Pleader
For R4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This writ petition has been filed for the issuance of writ of mandamus directing the respondents 3 and 5 to measure the disputed land in S.No.53/1A and New S.No.802/1 and S.No.802/2 and fix the boundaries in Balasamuthiram Village, Palani Taluk, Dindigul District within a time that may be stipulated by this Court.

2.Mr.N.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents 1 to 3 & 5 and Mr.S.P.Maharajan, learned Special



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Government Pleader takes notice for the fourth respondent. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3.The learned counsel for the petitioner submits that the land in S.No. 53/1A and New S.No.802/1 and S.No.802/2 were purchased by the petitioner by a registered sale document dated 14.04.1983 and he is in possession and enjoyment of the said property. While so, the respondents inspected and surveyed the property in Survey No.802/2 without any notice to the petitioner stating that the said property is belonged to the Government and proceeded to evict the petitioner from that properties. Hence, the petitioner made a representation to measure and fix the boundaries to the petitioner's property. Since no action has been taken, the petitioner has filed the present writ petition.

4.The learned Additional Government Pleader, based on the written instructions given by the Tahsildar, submits that in the revenue records the property in Survey No.802/1 is classified as 'street' and the property in Survey No.802/2 is classified as 'vacant land'. Hence, the respondents are taking



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necessary action to evict the petitioner from the petition mentioned property and to restore the property for the use of public.

5.The 'A' Register and the rough sketch with regard to the property in question were produced before this Court. Perusal of the same reveals that the subject properties were classified as street and vacant land in the revenue records. Encroachment in a public land will not be permitted as it will affect the interest of public at large. Therefore, we direct the respondents to initiate necessary action to evict the petitioner from the government land by following due process of law.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
12.02.2024

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

WEB COPY

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