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W.P.(MD)NO.4445 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4445 of 2024 AND
W.M.P.(MD)No.4273 of 2024

Banumathi

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The Regional Development Officer,
Karambakudi,
Pudukottai District.
4. The President,
Kalyaranviduthy Village Panchayat,
Pudukottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2 to 4 respondents from making construction in the petitioner's property situated in S. No.196/1 at Unjiyaviduthi Village Panchayat, Thiruvonam Taluk, Thanjavur District.



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W.P.(MD)NO.4445 OF 2024

For Petitioner : Mr.Mohammed Athiff,
for Mr.T.Eashwar.

For R-1 to R-3 : Mr.D.Gandhiraj,
Special Government Pleader.

For R-4 : Mr.P.Thambidurai,
Government Advocate.

* * *

ORDER

Heard both sides.

2. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the local body submitted that there is no proposal to put up any construction in survey No.196/1 at Unjiyaviduthi Village. The learned Special Government Pleader points out that in the “A” Register, survey No.196/1 has been shown as Tharisu. But the petitioner has enclosed patta No.426 at page No.36 of the typed set of papers which stands in the name of one Thangaiyan, S/o.Thambiyaiya Thevar. When survey No.196/1 is a patta land, unless it is acquired in the manner known to law, the authorities cannot put up any construction or even occupy the same. Once the State has recognised the right and title of an individual by issuing patta, it has to be respected. Though Article 19(1)(f) of the Constitution of India had been deleted



vide 44th amendment, the right to property is still a constitutional right under Article 300A. Therefore, the respondents are restrained from putting up any construction or interfering with the rights of the property of the private parties in survey No.196/1. This writ petition stands allowed. Unless the patta is cancelled in the manner known to law, the respondents cannot be heard to contend that it is not a private property. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The Regional Development Officer,
Karambakudi,
Pudukottai District.
4. The President,
Karambakudi Village Panchayat,
Pudukottai District.



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G.R.SWAMINATHAN,J.

PMU

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