



W.P.(MD)No.5763 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.5763 of 2023

Muthukumar

: Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Tenkasi District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Tenkasi District.
- 3.The Tahsildar,
Office of the Tahsildar,
Vengadam Taluk,
Tenkasi District.
- 4.The Block Development Officer,
Office of the Block Development Officer,
Kuruvikulam,
Tenkasi District.



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5.The Village Administrative Officer,
Office of the Village Administrative Officer,
Sathirapatti Village.

6.Shanmugavel

7.Kulandaivel

8.Velusamy

9.Nehru

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachments created by the respondents 6 to 9 in the common land near the overhead water tank, common well in T.S.No.202/4, Vadakuthiamman Temple and the community hall in T.S.No.198/7, Sathirappatti Village,Thiruvengadam, Tenkasi District on the basis of the representation dated 09.02.2022 and 23.04.2022 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents 1 to 5 : Mr.T.Amjad Khan

Government Advocate

For Respondent No.6 : Mr.P.Ponraj

For Respondents 7 & 8 : No appearance

For Respondent No.9 : S.Paramasivan



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ORDER

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This Writ Petition has been filed seeking for a direction to the respondents 1 to 5 to remove the illegal encroachments created by the respondents 6 to 9 in the common land near the overhead water tank, common well in T.S.No.202/4, Vadakuthiamman Temple and the community hall in T.S.No.198/7, Sathirappatti Village, Thiruvengadam, Tenkasi District on the basis of the petitioner's representations dated 09.02.2022 and 23.04.2022 in accordance with law.

2. Heard Mr.R.Alagumani, learned Counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the respondent 1 to 5, Mr.P.Ponraj, learned Counsel for the sixth respondent and Mr.S.Paramasivan, learned Counsel for the ninth respondent.

3. The learned Counsel for the petitioner submitted that the properties in question namely T.S.No.198/7 is a community hall and T.S.No.202/4 is a land near common well and the private respondents have encroached upon the said property. Hence, the petitioner has made representations to the respondents dated



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09.02.2022 and 23.04.2022. Since the same remains unattended till date, the petitioner has come up with the present writ petition.

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4.The learned Government Pleader appearing for the respondents 1 to 5 on instructions submits that the properties in question are classified as Government Poromboke lands and patta has been assigned in favour of five persons. Therefore, the contention of the petitioner that the said land is a community hall is incorrect and therefore, the present writ petition is liable to be dismissed.

5.Considering the fact that the petitioner has not placed any material to establish that the property in question is a community hall, we are not inclined to entertain this Writ Petition.

6.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

[D.K.K.,J.] & [P.D.B.,J.]

08.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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and

P.DHANABAL, J.

MR

ORDER MADE IN

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