



W.P.(MD)No.10878 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 29.11.2024

CORAM:

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

**W.P.(MD)No.10878 of 2024**

**and**

**W.M.P(MD)Nos.9693 of 2024**

Karikalan

...Petitioner

-Vs-

1.The District Collector,  
Collectorate,  
Pudukottai District.

2.The Revenue Divisional Officer,  
Collectorate,  
Pudukottai District.

3.The Block Development Officer,  
Office of Block Development,  
Thiruvarankulam Post,  
Alangudi Taluk,  
Pudukottai District – 614 624.

4.Saravanan

5.Muthunathan  
(R5 is impleaded vide Court order dated 29.11.2024 in  
W.M.P(MD)No.12531 of 2024 in W.P(MD)No.10878 of 2024)

6.T.Alamu Karthika Nivas  
(R6 is impleaded vide Court order dated 29.11.2024 in  
W.M.P(MD)No.12064 of 2024 in W.P(MD)No.10878 of 2024)

...Respondents



*W.P.(MD)No.10878 of 2024*

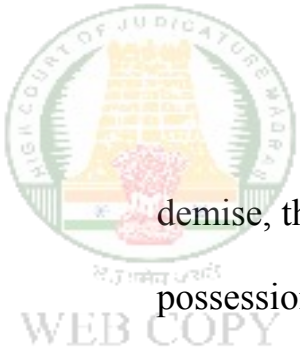
**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, directing the respondents 2 and 3 to abstain from constructing dry filed at the Petitioner's property comprised in S.No.49/20 situated of Seriyalur Jameen, Alangudi Taluk, Pudukkottai District.

|                 |                                                                                                                                                                                                                                    |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.K.C.Maniyarasu                                                                                                                                                                                                                |
| For Respondents | : Mr.M.Senthil Ayyanar<br>Government Advocate for RR1 & 2<br>Mr.P.Subbaraj for R3<br>Mr.M.Perumal for R4<br>Mr.S.T.Sasidharan Tamilkani<br>for impleaded party<br>Mr.R.Paranjothi<br>for M/s.KBS Law Office<br>for impleaded party |

### **ORDER**

This writ petition has been filed for a direction, directing the respondents 2 and 3 not to construct dry field in the petitioner's property comprised in survey No.49/20 situated at Seriyalur Jameen, Alangudi Taluk, Pudukottai District.

2.The petitioner has owned the property comprised in survey No.49/20 to an extent of 1.26.50 Hec(3 Acres and 7 cents) situated at Seriyalur Jameen, Alangudi Taluk, Pudukottai District which was originally belonged to seven persons including the petitioner's father. Out of 1.26.50 Hec, 50 cents, the petitioner's father was in possession and enjoyment of the property. After his



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demise, the Joint patta was issued in favour of the petitioner. The petitioner is in possession and enjoyment of his land. While being so, the third respondent with the help of Panchayat President, cut the trees and attempted to construct dry field in the petitioner's patta land without any consent from the petitioner.

3.The petitioner has filed a suit for declaration and mandatory injunction in O.S.No.325 of 2020 on the file of the Sub Court, Pudukottai and it is pending. Even then, the third respondent has awarded the contract in favour of the fourth respondent to construct the dry field and the fourth respondent has trespassed into the petitioner's land and attempted to put up construction of paddy dry field.

4.The learned Counsel appearing for the fourth respondent submits that nearly 40% to 50% of the work of contract of dry field has been completed and yet to finish the same.

5.The learned Counsel appearing for the respondents 5 and 6 submits that the joint Pattadars in respect of the property comprised in survey No.49/2020 without any consent and without demarcating, all are jointly enjoying the subject land and they have no objection to put up a dry field in the subject land. However, the petitioner alone objected to put up the construction of paddy dry field in the subject land.



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6.The learned Government Advocate appearing for the respondents 1 and 2 submits that all are consented to construct dry field in the subject property except petitioner. Admittedly, there was no objection and no consent from the petitioner to construct to dry field in the petitioner's land, though it is jointly owned by several persons.

7.In view of the above, the respondents 1 to 3 are directed not to put up any construction in the petitioner's property without due process of law. It is also made clear that the fourth respondent is entitled for the amount which was already spent by him as per the contract from the authority concerned.

8.With the above said directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

**29.11.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR



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To  
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**G.K.ILANTHIRAIYAN. J,**

RJR

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