



W.P(MD)No.12530 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.12530 of 2024
and
W.M.P(MD)No.11191 of 2024**

Sevanammal

... Petitioner

VS.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai, Dindigul District.
- 3.The Inspector of Police,
Eriodu Police Station,
Gujiliamparai Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from demolishing and interfering with the petitioner's peaceful possession and enjoyment of her house property situated in Survey No.574/5, Nagaiyakottai Village, Gujiliamparai Taluk, Dindigul District based on the petitioner's representation, dated 01.06.2024.

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For Petitioner	: Mr.G.Gomathi Sankar
For Respondents	: Mr.A.Kannan Additional Government Pleader for R.1 & R.2
	: Mr.S.S.Madhavan Government Advocate (Crl. Side) for R.3

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to forbear the respondents from demolishing and interfering with the petitioner's peaceful possession and enjoyment of her house property situated in Survey No.574/5, Nagaiyakottai Village, Gujiliamparai Taluk, Dindigul District based on the petitioner's representation, dated 01.06.2024.

2.It is the claim of the petitioner that she has been assigned house patta in Survey No.574/5, Nagaiyakottai Village, Gujiliamparai Taluk, Dindigul District, where she has already constructed the house and is residing. However, since there has been a complaint that there is an encroachment in Survey No.575 pursuant to the earlier order passed by the



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Division Bench of this Court in the Writ Petition in W.P(MD)No.27799 of 2023, where the present petitioner also had been shown as the third respondent, a direction had been given by this Court to survey the land at Survey No.575 to find out the encroachment, if any and to take action.

3.Pursuant to the said direction given by this Court, the revenue authorities wanted to survey the land and when they approached for surveying the land, on seeing the revenue people who wanted to survey the land, the petitioner apprehended that she would be evicted from the dwelling house which she has constructed in the site allotted by the Government.

4.Only on this apprehension, the present Writ Petition has been filed. The doubt raised by the petitioner's side has been cleared now by the learned Additional Government Pleader, who would submit, on instructions, that only pursuant to the earlier order passed by this Court, the revenue department wanted to survey the land, especially Survey No.575 and insofar as the petitioner's possession and enjoyment of the property, which has been constructed in a patta land at Survey No.574/5 is concerned, she need not have any such apprehension for eviction.



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5.The said submission made by the learned Additional Government Pleader appearing for the respondents 1 and 2 is taken on record. Therefore, the said apprehension of the petitioner has also now been cleared. There has been no occasion arise for consideration of the grant of any Mandamus as sought for in the present Writ Petition. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
13.06.2024

NCC : Yes / No
Index : Yes / No
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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