



W.P(MD)No.12596 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.12596 of 2023
and
W.M.P(MD)No.10640 of 2023**

Ponraj

... Petitioner

VS.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin Division,
Tuticorin.

3.The Block Development Officer,
Tuticorin,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents and their men to refrain from entering and proceeding with the unauthorized construction on the petitioner's land in Survey No.150 of North Silukkanpatti Village, Tuticorin Taluk.



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For Petitioner

: Mr.S.Balakarthick

For Respondents

: Mr.T.Amjadkhan
Government Advocate

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents and their men to refrain from entering and proceeding with the unauthorized construction on the petitioner's land in Survey No.150 of North Silukkanpatti Village, Tuticorin Taluk.

2.According to the petitioner, he owns a land classified as Natham to an extent of 10 cents in Old Survey Nos.98/1 and 98/2 and it is now assigned as new Survey No.150, North Silukkanpatti Village, Tuticorin District. The revenue records and house tax receipts for the said land stand in the name of his father. Later, the house constructed therein was dilapidated and hence, it was demolished and the land was left vacant. He along with his three brothers and one sister was peacefully enjoying the property without any hindrance. While so, in the absence of any acquisition



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proceedings and without any notice, some third parties entered into his land and arbitrarily created a basement for the building. Subsequently, he came to know that a fair price shop is being constructed. Further, according to the petitioner, the said land is classified as Natham land and it is a patta land. Hence, the petitioner made a representation dated 04.05.2023 to the respondents to refrain from proceeding further with the construction. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.A detailed counter-affidavit has been filed by the third respondent wherein it is stated that there is no specific Survey No.150 and that the old Survey number mentioned by the petitioner as 98/1 and 98/2 do not correlate with new Survey No.150/1 to 5, whereas the new Natham survey number assigned to old Survey No.98 is only 148. The building under construction is located in Survey No.150/4 which is classified as 'Government poromboke' in the revenue records. Further, it is stated that since objection was raised for constructing a building in the subject land, a survey was conducted by the Firka Surveyor in the presence of the Village Panchayat President, Village Administrative Officer, Sub-Inspector of Police, Panchayat Secretary and the public, besides the representatives of the



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owner of Survey No.150/5 one Xaviour and four boundaries were fixed and public of the locality were informed that the construction of Panchayat Council building and Public Distribution shop building are being constructed only in the Government land and therefore, there is no illegal construction in Survey No.150 as alleged by the petitioner.

4.In view of the averments made in the counter-affidavit, we are of the view that the contentions of the petitioner are totally incorrect and there is no illegal or unauthorized construction in Survey No.150, as contended by the petitioner. Therefore, we are not inclined to accept the contentions of the petitioner and there is no merit in the Writ Petition.

5.Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
12.03.2024

NCC : Yes / No
Index : Yes / No
ps



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ORDER MADE IN
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