



W.P(MD)No.19431 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.19431 of 2024

M.Ramya

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Madurai.

3.The Block Development Officer,
Kottampatti Panchayat Union,
Kottampatti Village,
Melur Taluk, Madurai District.

4.The President,
Melavalavu Village,
Melur Taluk,
Madurai District.

5.The Inspector of Police,
Melavalavu Police Station,
Melur Circle,
Madurai District.

6.Karikalan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 5 to remove the unauthorised board and kodimaram in the name of South India Forward Block Party in front of petitioner's vacant site i.e., in Survey No. 104/25B situated at Melavalavu Village, Melur Taluk, Madurai District on the basis of petitioner's representation dated 01.08.2024 within time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.A.Kannan (for R1 & R2)
Additional Government Pleader
Mr.P.Thambidurai (for R3 & R4)
Government Advocate
Mr.M.Vaikkam Karunanidhi (for R5)
Government Advocate (crl.side)
Mr.S.A.Ajmalkhan (for R6)

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondents 1 to 5 to remove the unauthorised board and kodimaram in the name of South India Forward Block Party in front of the petitioner's vacant site i.e., in Survey No.104/25B situated at Melavalavu Village, Melur Taluk, Madurai District on the basis of the petitioner's representation dated 01.08.2024 within time stipulated by this Court.



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2. It is the case of the petitioner that the subject property in S.No. 104/25B to an extent of 2 cents situated at Melavalavu Village, Melur Taluk, Madurai District, was purchased by the petitioner from one Nevali Ilangovan vide sale deed dated 15.05.2024. Thereafter, sub-division was made and patta also stand in the name of the petitioner. When the petitioner attempted to put up a house, some political persons prevented the levelling of the petitioner's property and they installed a board and erected flag pole in front of the petitioner's land unauthorizedly, which prevented ingress and egress of petitioner's property. In this regard, the petitioner has made a complaint before the fifth respondent. Based on the same, the fifth respondent conducted enquiry and the board was also removed. Thereafter, the sixth respondent, namely, Karikalan, wantonly installed the board and flag pole in order to prevent petitioner from the construction work and further, he threatened the petitioner demanding money. The petitioner gave a representation before the respondents 1 to 4 in this regard and also lodged a complaint before the fifth respondent. But, no steps were taken so far. Hence, the petitioner is before this Court.

3. The learned counsel for the sixth respondent contended that the vendor of the petitioner had sold the property to the petitioner including the



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land of the sixth respondent. According to him, the petitioner is not entitled to the land covered under the sale deed.

4.Be that as it may, if the sixth respondent claims any title over the subject property, it is for him to establish the same before the competent civil Court. Without doing so, just fixing the board and flag pole in the private property cannot be accepted. In fact, it amounts to permitting the persons to take the law on their own hand. Hence, the sixth respondent is directed to remove the board and flag pole in the petition mentioned land forthwith and fix the same in some other place and report before this Court.

5.With the above direction, the Writ Petition is disposed of. No costs.

6.Post on 01.10.2024 “for reporting compliance”.

13.09.2024

NCC : Yes / No
Index : Yes / No
Rmk



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WEB COPY

To

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Rmk

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