



W.P(MD)Nos.22304 of 2015 & 369 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)Nos.22304 of 2015 & 447 of 2016
and**

M.P(MD)No.1 of 2015 & W.M.P(MD)No.369 of 2016

W.P(MD)No.22304 of 2015:

N.Arumugam

... Petitioner

vs.

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.A.Mayandi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent from demolishing the petitioner's house or evicting him from S.No.110/75 measuring 005.5 Hectares situated at Kallangudi, Sokkanathapuram Village, Karaikudi Taluk, Sivagangai District.

For Petitioner

: Mr.N.Mohan

For R – 1

: Mr.N.Satheesh Kumar
Additional Government Pleader

For R – 2

: No appearance

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W.P(MD)No.447 of 2016:

K.Ponraj

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Executive Officer,
Kottaiyur Town Panchayat,
Kottaiyur,
Karaikudi Taluk,
Sivagangai District.

4.A.Mayandi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the second respondent from demolishing the petitioner's house or evicting him from his property in Survey No.110/72 measuring an extent of 6-3/4 cents (2943 sq.feet) situated at Chockanathapuram Village, K.Alagapuri (via), Karaikudi Taluk, Sivagangai District.

For Petitioner

: Mr.M.P.Senthil

For RR 1 to 3

: Mr.S.P.Maharajan
Special Government Pleader

For R – 4

: No appearance



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COMMON ORDER

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

The petitioners have filed the present Writ Petitions for issuance of a Writ of Mandamus, forbearing the second respondent from demolishing their house or evicting them from the property in S.No.110/75 measuring 005.5 Hectares situated at Kallangudi, Sokkanathapuram Village, Karaikudi Taluk, Sivagangai District and Survey No.110/72 measuring an extent of 6-3/4 cents (2943 sq.feet) situated at Chockanathapuram Village, K.Alagapuri (via), Karaikudi Taluk, Sivagangai District respectively.

2.According to the petitioners, A.Mayandi/private respondent made a complaint before the Revenue Divisional Officer for taking appropriate action as against the petitioners by evicting them from the abovesaid survey numbers. Aggrieved by the same, the present Writ Petitions have been filed.

3.The learned Special Government Pleader appearing for the official respondents, on instructions, would submit that if the property of the



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petitioners is a patta land, they will not take any action. However, if the petitioners made constructions encroaching upon the pathway, the official respondents will take appropriate action by following due process of law.

4.In view of the above submission, if the petitioners are aggrieved by the notices dated 14.08.2015 issued by the Revenue Divisional Officer, they have to participate in the enquiry or file a civil suit before the competent civil Court instead of filing the Writ Petitions.

5.Accordingly, granting liberty to the petitioners to work out their remedy before the appropriate forum in the manner known to law, the present Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Executive Officer,
Kottaiyur Town Panchayat,
Kottaiyur,
Karaikudi Taluk,
Sivagangai District.



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D. KRISHNAKUMAR,J.
and
M.DHANDAPANI,J.

ps

ORDER MADE IN
W.P(MD)Nos.22304 of 2015
& 369 of 2016

DATED : 11.01.2024