



W.P(MD)No.20713 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

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

**W.P(MD)No.20713 of 2017
and
W.M.P(MD)No.16984 of 2017**

M.Mary Pappa

... Petitioner

VS.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Sub-Collector,
Sub-Collector Office,
Cheranmahadevi, Tirunelveli District.

3.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

4.Thavithu Nadar
5.Ganapathi Nadar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th and 5th respondents in S.No.113/1, classified as Grama Natham situated at Kallikulam Village, Nanguneri Taluk, Tirunelveli District and consequently direct the



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respondents 1 to 3 not to disturb Kallikulam Vannar Community people's peaceful possession and enjoyment of the land in Survey No.113/1, situated at Kallikulam Village, Nanguneri Taluk, Tirunelveli District by considering the representations of the petitioner dated 13.10.2017 and 19.10.2017 within the time frame stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondent Nos.1 to 3 : Mr.T.Amjadkhan
Government Advocate

For Respondent No.5 : No appearance

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 1 to 3 to remove the encroachment made by the 4th and 5th respondents in S.No.113/1, classified as Grama Natham situated at Kallikulam Village, Nanguneri Taluk, Tirunelveli District and consequently direct the respondents 1 to 3 not to disturb Kallikulam Vannar Community people's peaceful possession and enjoyment of the land in Survey No.113/1, situated at Kallikulam Village, Nanguneri Taluk, Tirunelveli District by considering the representations of the petitioner dated 13.10.2017 and 19.10.2017 within the time frame stipulated by this Court.



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2.The grievance expressed by the petitioner is that the people belonging to Vannar Community are in enjoyment of about 75 cents of land in Survey No.113/1, for more than 75 years and they have formed a small Kanmoi. In the mean time, the respondents 4 and 5 have encroached the said land by closing the Kanmai and the third respondent, with the collusion of respondents 4 and 5, is taking steps to grant patta to the respondents 4 and 5. Hence, the petitioner made representations dated 13.10.2017 and 19.10.2017 to the respondents 1 to 3 not to grant patta in favour of the respondents 4 and 5 in Survey No.113/1, which is classified as Grama Natham and to remove the encroachments put up by the respondents 4 and 5. Since the said representations have not been considered, the petitioner has filed the present Writ Petition.

3.When the matter was taken up for hearing today, learned Government Advocate appearing for the respondents 1 to 3 would submit that the third respondent vide proceedings in Na.Ka.No.A8/5520/2017, dated 03.11.2017 has removed the encroachments in the abovesaid survey numbers and further submitted that the same has also been communicated to the petitioner.



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4. On a perusal of the materials available on record, it is seen that the said land is classified as Grama Natham and the petitioner has not produced any document to show that they are in enjoyment of the land in question for more than 30 years and also considering the fact that the encroachment has been removed in the land in question, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, if the petitioner claims any right over the property, it is open to her to seek remedy before the appropriate civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
29.01.2024

NCC : Yes / No
Index : Yes / No
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ORDER MADE IN
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