



WP.No.34121 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

WEB COPY

CORAM
THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.34121 of 2024
and
W.M.P.No.36936 of 2024

T.Rengaswami
S/o Late Mr.Thavasumuthu Devar

...Petitioner

Vs.

1. The District Collector,
Collectorate, Thanjavur District,
Tamil Nadu - 613 010
2. The Tahsildar,
Orathanadu Taluk Office,
Orathanadu, Thanjavur District
Tamil Nadu - 614 625
3. The Revenue Divisional Officer,
New Bus Stand Road, NSC Boase Nagar,
Thanjavur,
Tamil Nadu - 613 007.
4. The Director of Town and Country Planning,
No.5, Ganapathi Nagar, 2nd Street,
Medical College Road,
Thanjavur,
Tamil Nadu - 613 001.
5. The Village Administrative Officer,
Vadaseri North Village,
Vadaseri Orathanadu Taluk,
Thanjavur District, Tamil Nadu - 614 905



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6. The Panchayat President,
Vadaseri Panchayat, vadaseri,
Orathanadu Taluk,
Thanjavur District, Tamil Nadu - 614 905.

7. T.Sankaralingam,
S/o lage Mr.Thavasumuthu Devar

8. S.Indhirani,
W/o M.Sambasivam

9. S.Raja,
S/o Sivalingam

10. S.K.Gandhimathi,
W/o S.P.Kannudal

... Respondents

Prayer: Writ Petition filed under Article 226 of th Constitution of India seeking to issue a Writ of Mandamus to direct the respondents 1 to 6 to initiate necessary action to remove the unauthorized construction made on the Schedule Property herein.

SCHEDULE PROPERTY

That part and piece of land bearing Patta No.3624 ad
admeasuring 0.05.50 ares comprised in S.No.287/17 situated at
Vadaseri North Village, Orathanad Taluk, Thanjavur District.

For Petitioner : Mr.Dhanaram Ramachandran

For Respondents : Mr.M.Venkateswaran,Spl.G.P.
for R1 to R5
Mrs.E.Renganayaki,
Addl.G.P. for R6
Mr.B.Manokaran Sumathi for R7
Mr.S.Vimal for R9
Mr.E.Mannarsamy for R10.

ORDER



(The order of the Court was made by J.Nisha Banu,J.)

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This writ petition has been filed seeking to direct the respondents 1 to 6 to initiate necessary action to remove the unauthorized construction made on the Schedule Property.

2.(i) The case of the petitioner is that the respondents 7 to 10 are the siblings of the petitioner. The petitioner's father Mr.Thavasumuthu Devar passed away on 03.12.1990 leaving behind the petitioner and the respondents 7 to 10 as his legal heirs. The petitioner's father inherited the ancestral property admeasuring 0.05.50 Acres in S.No.287/17 situated at Vadaseri North Village, Orathanad Taluk, Thanjavur District. The 7th respondent illegally transferred the patta of the said property in his name and raised building without the consent of respondents 8 to 10.

(ii) A petition dated 16.05.2022 was filed before the 3rd respondent to grant joint patta in the name of all legal heirs viz., the petitioner and the respondents 7 to 10. The 3rd respondent cancelled the patta granted in the name of the 7th respondent and granted joint patta in the name of all the legal heirs of Mr.Thavasumuthu Deval. Till date the 7th respondent is in possession of the property.



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(iii) The petitioner sent representation to the 1st to 6th respondents on 22.02.2024 to conduct due enquiry and demolish the unauthorized/illegal building structure raised by the 7th respondent. The 1st respondent vide letter dated 19.07.2024 directed the 2nd respondent to take appropriate action. However, the 2nd respondent has not taken any action. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record. The 7th respondent has filed counter affidavit and the same was also perused.

4. On perusal of the records and considering the submissions made on either side, we are of the opinion that it would suffice if the 2nd respondent is directed to dispose of the representation of the petitioner dated 22.02.2024. Accordingly, without going into the merits of the claim made by the petitioner in the writ petition, we direct the 2nd respondent to consider the petitioner's representation dated 22.02.2024 and pass orders on the same on merits and in accordance with law, after giving opportunity of personal hearing to the petitioner, 7th respondent and the other private respondents and to take appropriate action in the manner known to law



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within a period of eight weeks from the date of receipt of a copy of this

order. Accordingly, the Writ Petition is disposed of. No costs.

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Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]

24.06.2025

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Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The District Collector,
Collectorate, Thanjavur District,
Tamil Nadu - 613 010
2. The Tahsildar,
Orathanadu Taluk Office,
Orathanadu, Thanjavur District
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3. The Revenue Divisional Officer,
New Bus Stand Road, NSC Boase Nagar,
Thanjavur,
Tamil Nadu - 613 007.
4. The Director of Town and Country Planning,
No.5, Ganapathi Nagar, 2nd Street,
Medical College Road,
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5. The Village Administrative Officer,
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J.NISHA BANU,J.

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