



W.P.(MD)No.492 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.492 of 2025

and

W.M.P.(MD)No.341 of 2025

Rajmohan

... Petitioner

/Vs./

1. The Divisional Engineer

Office of the Divisional Engineer,
Highways Department,
Thanjavur District.

2. The Tahsildar

Kumbakonam Post and Taluk,
Thanjavur District.

3. The Taluk Surveyor

Kumbakonam Taluk,
Thanjavur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, forbear the first respondent from



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constructing drainage or any other work in S.No. 242/2 of restraining him from constructing any drainage in petitioner's patta land in S.No. 242/2C of Chozhan Malligai Village, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction, forbear the first respondent for constructing any drainage or any other work in the land belong to the petitioner comprised in S.No. 242/2 and in S.No. 242/2C situated at Chozhan Malligai Village, Kumbakonam Taluk, Thanjavur District.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner owned property comprised in S.F.No.242/2C to an extent of 0.61.50 ares situated at at Chozhan Malligai Village,



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Kumbakonam Taluk, Thanjavur District. It is situated adjacent to Thennur – Udaiyalur Road, Chozhan Malligai Village, Kumbakonam Taluk. While being so, the first respondent issued notice to the petitioner on 06.12.2024, thereby, informed that the petitioner had encroached the road portion comprised in S.No.242/2B. On receipt of the same, the petitioner submitted an explanation that he did not encroach any property belongs to the Government, comprised in S.No.242/2B. Now, the petitioner filed this petition with an apprehension that the first respondent is going to put up drainage in his patta land.

4. On instructions, the learned Additional Government Pleader for the respondents would submit that sofar no plan to construct any drainage infront of the petitioner's property as alleged by the petitioner. In fact, the petitioner is an encroacher, thereby, encroached the Government Poromboke land comprised in S.No.242/2B belongs to the High Ways Department and directed him to remove the encroachment within a period of seven days. In order to escape from the clutches of law, the petitioner approached this Court that too with illusive prayer.



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5. On perusal of the revenue records, it revealed that the property in S.No.242/2B is classified as Government Poromboke. Therefore, no construction is proposed to make drainage in the petitioner's land. Further, if any encroachment made by the petitioner in the Government Poromboke land, the respondents are at liberty to take appropriate action as against the petitioner, to remove the encroachment in the manner known to law.

6. With the above observation, the writ petition stands dismissed.
No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2025

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

LS

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