



W.P.(MD)No.4391 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4391 of 2025
and W.M.P(MD).No.3145 of 2025

Navaneethakrishnan

... Petitioner

vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Thiruverumbur Taluk Office,
Thiruverumbur, Trichy District.

3.The Block Development Officer,
Thiruverumbur Union Office,
Thiruverumbur, Trichy District.

4.Balamuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second and third respondents to consider the petitioner's representation dated 08.01.2025.



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For Petitioner : Mr.K.Anandraj
For R1 and R2 : Mr.G.Suriyananth
Additional Government Pleader
For R3 : Mr.D.S.Nedinchezian
Government Advocate

ORDER

The writ petitioner seeks a very innocuous prayer to direct the Tahsildar, Thiruverumbur Taluk, Tiruchirappalli District, to dispose of his representation dated 08.01.2025.

2. A perusal of the affidavit shows the petitioner claims title to the properties situated in Plot Nos.21 and 22 of S.No.221/1 of Kundoor Village, Thiruverumbur Taluk, Tiruchirappalli District. He pleads that the fourth respondent was benefited with an order of allotment by the State authorities with respect to S.No.217 of the same village. The fourth respondent, instead of constructing his residence in S.No.217, has encroached upon the property in S.No.221/1 comprised in Plot No.22, which belongs to the petitioner. He sought for survey of the property and survey was also conducted by the Revenue Department.



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3. He pleads that the result of the survey has conclusively shown that the fourth respondent has encroached upon the property belonging to the writ petitioner and had not taken steps to improve upon the property allotted to him by the State authorities in S.No.217. Hence, the petitioner made a representations on 16.12.2024 and 08.01.2025 seeking a direction to cancel the allotment made to the fourth respondent and also, for passing appropriate orders with respect to the alleged encroachment that has been made by the fourth respondent. As it was not considered, the present writ petition.

4. I heard Mr.K.Anandraj for the writ petitioner, Mr.G.Suriyananth, learned Additional Government Pleader, who takes notice for the first and second respondents and Mr.D.S.Nedunchezian, learned Government Advocate, who takes notice for the third respondent.

5. The narration of the facts goes to show that it is a simple civil dispute between the petitioner and the fourth respondent. Taking the case of the petitioner at its highest, the fourth respondent has encroached upon his property. Neither the District Collector nor the Tahsildar and to



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my knowledge, the Block Development Officer possesses any power to order ejectment of a person, who had encroached upon the property of other. No doubt, they are statutorily empowered to remove encroachments on Government property. This cannot be extended to acts of encroachment made by one person as against property that belongs to another. Hence, even if I were to grant the prayer, I would be conferring a jurisdiction on the Revenue Department, which they do not possess. In my view, the appropriate remedy for the petitioner is to approach the jurisdictional civil Court and seek either for recovery of possession or injunction or both.

6. In the light of the above discussion, I am not inclined to grant relief that the petitioner sought for. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

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V. LAKSHMINARAYANAN, J.

Rmk

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