



W.P.(MD)No.6156 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.6156 of 2025

Dhanalakshmi

... Petitioner

VS.

1.The District Collector,
Tirunelveli District.

2.The Block Development Officer,
Nanguneri, Tirunelveli District.

3.The Panchayat President,
Elangulam, Village Panchayat,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take action on the petitioner's representation dated 26.02.2025 within a



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time frame and not to lay road on her private land in New Natham Survey No.530/11 at West Street, Thamaraikulam Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner :Mr.C.Aravindh for
Mr.D.Venkatesh

For R1 & R2 :Mr.S.Shaji Bino
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus, directing the respondents to take action on the petitioner's representation dated 26.02.2025 and not to lay the road on the land in New Natham S.No. 530/11 at West Street, Thamaraikulam Village, Nanguneri Taluk, Tirunelveli District.

2.It is the claim of the petitioner that her father, by name, Madasamy had executed a settlement deed on 01.03.2010, settling the property situated at Natham S.Nos.530/6 and 530/11, to an extent of 2 cents, in the name of the petitioner and her sister. Subsequently, the



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WEB COPY petitioner has put up a construction in the property situated in Natham S.No.530/6 and has been enjoying the same. Insofar as the property situated in S.No.530/11 is concerned, she retained it as a vacant land. She pleads that the third respondent attempted to lay a road over her property, which constrained her to lay her protest by way of a representation dated 26.02.2025. As no tangible action was initiated, she has come forward with the present writ petition.

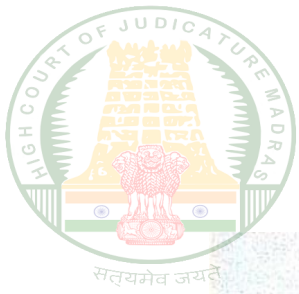
3.When the matter came up for admission, Mr.S.Shaji Bino pleaded that the Village Administrative Officer, Ilangulam Village, Nanguneri Taluk, Tirunelveli District, had handed over the property to the local body. Noticing that the Village Administrative Officer is not an appropriate person to hand over the Government property, I requested the learned Special Government Pleader to file an affidavit of the Tahsildar and that of the local body as to how they are laying the road over the property situated at Natham S.No.530/11.



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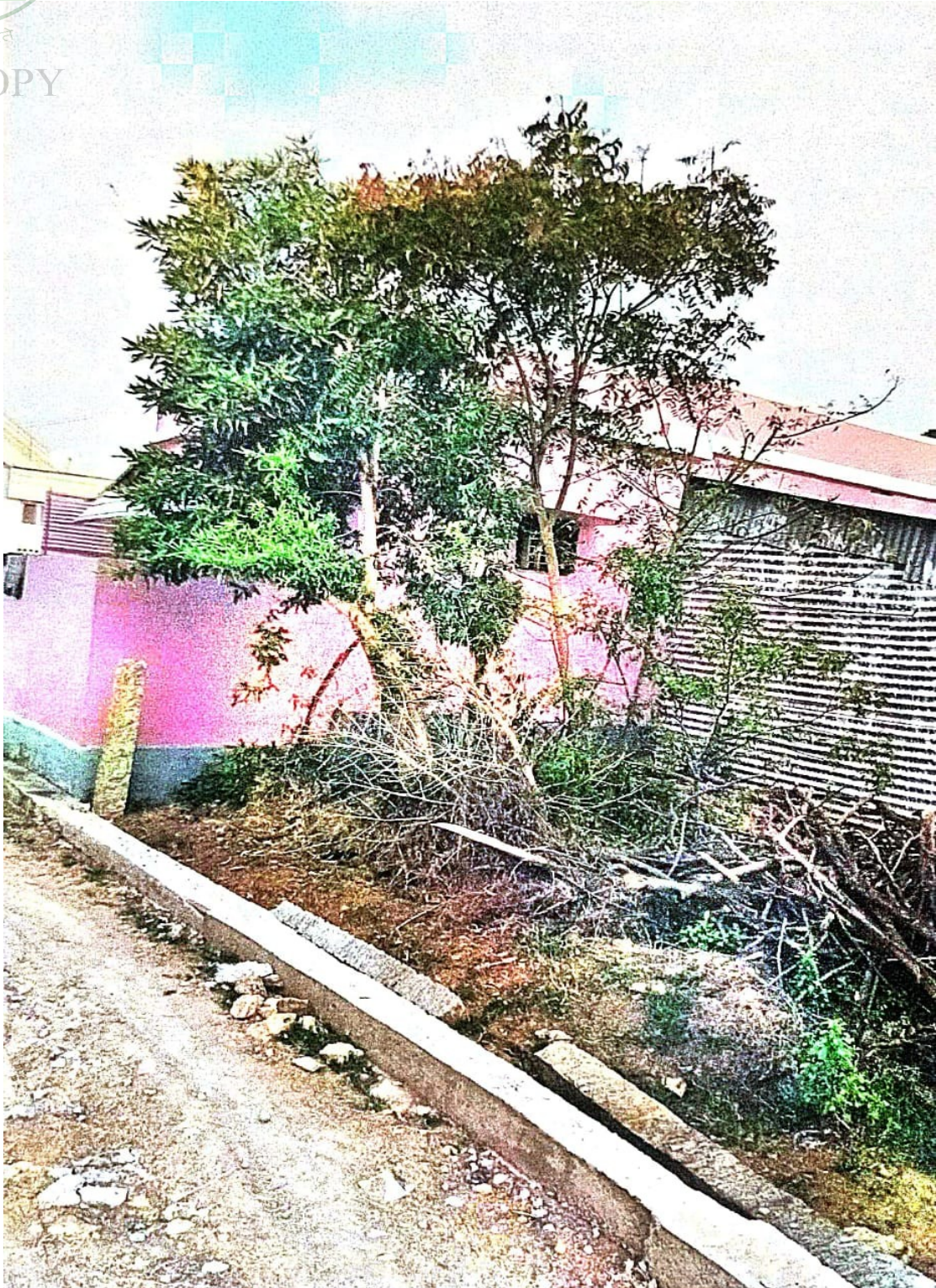
4.Today, when the matter was taken up, Mr.S.Shaji Bino has filed a counter affidavit of the third respondent as well as of the Tahsildar, Nanguneri Taluk, Tirunelveli District.

5.A perusal of the counter affidavit shows that the Tahsildar and the third respondent are disputing the rights of the petitioner over Natham S.No.530/11. The counter affidavit reads that the property is a Government land and had been classified as such in the revenue records. The Field Measurement Book as well as the village accounts have been produced separately by the learned Special Government Pleader. Apart from these, photographs have been produced by the learned Special Government Pleader pointing out that the road is being laid over the Government land on the southern side of S.No.530/11. For ready reference, the photographs are scanned and appended hereunder.



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6.I have considered the submissions of Mr.C.Aravindh representing for Mr.D.Venkatesh for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for the respondents 1 and 2.

7.While this Court has the power to issue a Mandamus restraining the Government from interfering with the peaceful possession and enjoyment of a person, who is occupying his own land or has been in settled possession, the same power is seldom utilized to grant injunction against the Government from utilizing its own property. There is a dispute whether Natham S.No.530/11 of Thamaraikulam Village is the property of the petitioner or that of the Government. For the mere fact that the property is classified as 'Poramboke', it does not mean that the land vests with the Government. Poramboke means 'புறம்' 'போக்கு' or property outside the revenue accounts. On this basis, one cannot automatically conclude that the property is a Government land.

8.As there is a dispute over the title of the petitioner, appropriate remedy for the petitioner is to present a civil suit for declaration of her title and thereafter, workout her rights. In case, the suit is decreed in her



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favour, she will always be entitled for compensation for the land, over which the road has been laid. As on today, there is a dispute and I cannot adjudicate disputes relating to title in a writ petition. Hence, leaving it open to the petitioner to workout her rights in a civil suit, this Writ Petition stands dismissed. No costs.

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

26.03.2025

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To

- 1.The District Collector,
Tirunelveli District.
- 2.The Block Development Officer,
Nanguneri,
Tirunelveli District.



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V. LAKSHMINARAYANAN, J.

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