



W.P.(MD)No.6546 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

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Mariyammal

...Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department, Fort. St. George,
Chennai - 9.
- 2.The District Collector,
Theni District.
- 3.The Assistant Director,
Department of Survey,
District Survey Office,
Theni District
- 4.The Sub Collector,
Periyakulam Sub Division,
Periyakulam Taluk, Theni District
- 5.The Thasildhar,
Periyakulam Taluk,
Theni District
- 6.The Senior Deputy Director of Town and Country Planning,
Theni Region, Theni District



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7.The Revenue Inspector,
Veerapandi, Periyakulam Taluk,
Theni District.

8.Vellaichami Pillai
9.Pitchaimani
10.Ramaiah
11.Manjammal
12.Veera Mani
13.Manikandan
14.Murugadass
15.Sakthivel

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 5 to remove the illegal encroachment, in the S.No.905/4 and 908/1 at Veerapandi Village, Periyakulam Taluk, Theni District and consecutively restore the Panchami land to the petitioner according to the Government order 1010 and 1010 A which was issued to the petitioner.

For Petitioner	: Mr.S.M.Ramasiva
For R1 to R7	: Mr.M.Sarangan Additional Government Pleader
For R8	: Mr.B.Jeyakumar
For R14 & R15	: No Appearance
For R11	: Died

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This writ petition is filed seeking for a mandamus to direct the respondents 2 to 5 to remove the illegal encroachment in the petition mentioned property.



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WEB COPY 2. According to the petitioner, the subject property was assigned to the father of the petitioner by the Government. The petitioner is in possession and enjoyment of the property, after her father. While so, the respondents 8 to 15 are said to have encroached in the said property. Hence, the petitioner made a complaint before the authorities concerned seeking removal of the encroachments made by the respondents 8 to 15. Since the same was not considered, the petitioner has filed this writ petition.

3. The learned Additional Government Pleader appearing for the official respondents submits that the father of the petitioner sold the subject property to one Manjammal violating the conditions of assignment. Hence, proceedings are sought to be initiated to recover the property.

4. Considering the limited scope of the prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the matter, in the affidavit filed in support of the Writ Petition, this Writ Petition is **disposed of** with a direction to the second respondent to consider the plea of the petitioner after giving sufficient opportunity of hearing to the petitioner and the respondents 8 to 15 and pass appropriate orders on merits and in accordance with law and



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also considering the proceedings dated 11.08.2021, within a period of two [2] weeks from the date of receipt of a copy of this order. It is also made clear that if the said Manjammal, to whom the property is said to have been sold, is not found to be belonged to SC community, then the official respondents shall take necessary action to cancel the assignment. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
18.03.2025

Index : Yes/No
Internet : Yes/No
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