



W.P.(MD) No.10492 of 2022

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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DATED: 05.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)No.10492 of 2022
and W.M.P.(MD)No.7602 of 2022

R.Kannaki

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Thanjavur District, Thanjavur.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thanjavur Revenue Division,
Thanjavur District.
3. The Tahsildar,
Taluk Office, Thanjavur Taluk,
Thanjavur District.
4. The Block Development Officer,
Thanjavur Panchayat Union,
Thanjavur District.
5. The President,
Kurungalam West Village Panchayat,
Kurungalam Post,
Thanjavur Taluk and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India praying to issue a Writ of Mandamus, forbearing the respondents herein from in any manner evicting the petitioner and demolishing her house property situated in her patta land in Natham Survey No. 438/1B of an extent of 0.01.42 Ares situated at Mettupatti Village, Thanjavur District by considering the representation of the petitioner dated 05.05.2022.

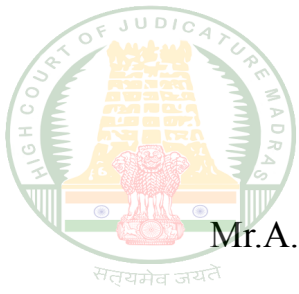
For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mrs.S.Jeya Priya,
Govt. Advocate for R1 to R3
Mr.A.Baskaran,
Addl. Govt. Pleader for R4
Mr.A.Senthilkumar for R5

ORDER

This Writ Petition is filed seeking issue of Writ of Mandamus, forbearing the respondents from evicting the petitioner and demolishing her house property situated in Natham Survey No. 438/1B with an extent of 0.01.42 Ares in Mettupatti Village, Thanjavur District, by considering the representation of the petitioner dated 05.05.2022.

2. Heard the arguments of Mr.C.Gangai Amaran, learned counsel for the petitioner, Mrs.S.Jeya Priya, learned Government Advocate appearing for the respondents 1 to 3, Mr.A.Baskaran, learned Additional Government Pleader appearing for the fourth respondent and



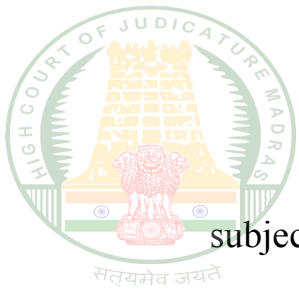
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Mr.A.Senthilkumar, learned counsel appearing for the fifth respondent.

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3. It is the case of the petitioner that she purchased the property situated in Old S.No.146A/16 New Survey No.438/2. Three cents of land in S.No.348/1B was assigned in favour of the petitioner. The fifth respondent herein attempted to interfere with the peaceful possession of the petitioner over the subject property and he has also attempted to demolish the house situated in the subject property. Therefore, a representation was submitted by the petitioner before the official respondents on 05.05.2022, requesting them to not to cancel the patta issued in favour of the petitioner. In view of the attempt made by the fifth respondent, the petitioner has been constrained to file this Writ Petition restraining the respondents from evicting the petitioner.

4. The learned counsel appearing for the fifth respondent would submit that the petitioner obtained free house site patta in respect of the property situated in S.No.348/1B, suppressing the material fact regarding her employment and her ownership over the adjacent land. It is also submitted by the learned counsel appearing for the fifth respondent that taking advantage of the three cents of land assigned in favour of petitioner in S.No.348/1B, the petitioner encroached a larger extent in the



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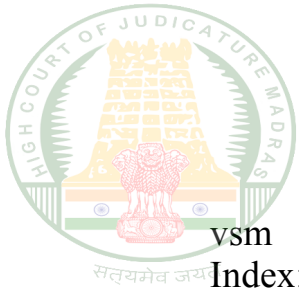
subject property.

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5. It is not in dispute that assignment patta has been issued in favour of the petitioner in respect of 0.01.42 ares of land in S.No.438/1. Subsequently, Natham Nilavari Patta was also issued in favour of the petitioner in respect of new sub-Division No.438/1B in patta No.842. Till the assignment patta and Natham Nilavari Patta in favour of the petitioner are not cancelled in the manner known to law, the respondents are not entitled to interfere with the petitioner's right over the subject property.

6. Therefore, this Writ Petition stands allowed by directing the respondents to not to disturb the possession of the petitioner in respect of the property situated in S.No.438/1B with an extent of 0.01.42 ares, except by due process of law. If the petitioner is found in possession of any other land, over which she has no right, the respondents are at liberty to take appropriate action as per law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.08.2025



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vsm

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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