

W.P(MD)No.15040 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND**

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.15040 of 2025

and

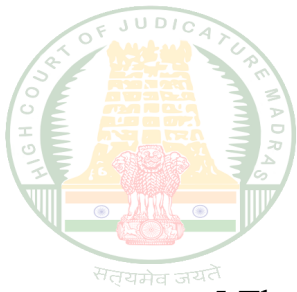
W.M.P.(MD) No.11285 of 2025

Sudha

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pattukkottai, Thanjavur District.
- 3.The Tahsildar,
Office of the Tahsildar,
Pattukkottai Tauk,
Thanjavur District.
- 4.The Executive Engineer,
Water Resource Department,
Kallanai Channel,
Sub-Division - II,
Pattukkottai Town Part-I,
Thanjavur District.



W.P(MD)No.15040 of 2025

5. The Assistant Engineer,
Water Resource Department,
Kallanai Channel,
Sub-Division - II,
Pattukkottai Town Part-I,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 2 to 5 from evicting the petitioner and the petitioner's family members in Survey No.631 at Madukkur South Revenue Village, Pattukottai Taluk, Thanjavur District without following due process of land by considering the petitioner's representation dated 23.04.2025 within the time to be stipulated by this Court.

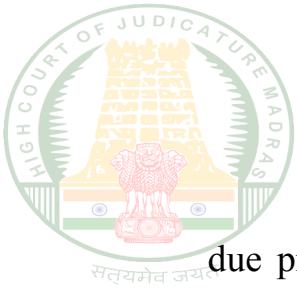
For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to forbear respondents 2 to 5 from evicting the petitioner from Survey No.631 at Madukkur South Revenue Village, Pattukottai Taluk, Thanjavur District without following



W.P(MD)No.15040 of 2025

due process of law by considering the petitioner's representation dated 23.04.2025.

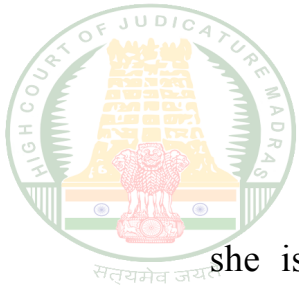
2. The negative relief sought for by the petitioner in the nature of an injunction cannot be considered in the absence of an adjudication of facts on merits by the competent forum.

3. High Court cannot conduct a roving enquiry, nor entertain a writ petition to resolve the disputed facts, which all are to be done based on documents and evidences available on record.

4. The petitioner claims that she has got right over the property in question.

5. However, the learned Additional Government Pleader opposes by stating that the land is a water body and therefore, the petitioner is an encroacher and she is liable to be evicted.

6. In any event, an encroacher must be evicted by following the procedures as established under law. If at all the petitioner claims that



W.P(MD)No.15040 of 2025

she is the owner of the land in question, she has to approach the competent civil Court of law to establish her right.

7. With the above observations, this Writ Petition stands dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
03.06.2025

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

abr



W.P(MD)No.15040 of 2025

WEB COPY

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pattukkottai, Thanjavur District.
- 3.The Tahsildar,
Office of the Tahsildar,
Pattukkottai Tauk,
Thanjavur District.
- 4.The Executive Engineer,
Water Resource Department,
Kallanai Channel,
Sub-Division - II,
Pattukkottai Town Part-I,
Thanjavur District.
- 5.The Assistant Engineer,
Water Resource Department,
Kallanai Channel,
Sub-Division - II,
Pattukkottai Town Part-I,
Thanjavur District.



WEB COPY



W.P(MD)No.15040 of 2025

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

abr

W.P(MD)No.15040 of 2025

03.06.2025