



WP(MD). No.13218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/04/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.13218 of 2024

and WMP(MD) No.22290 of 2024, 11699, 11700 and 11701 of 2024

S.Yogarajan

... Petitioner

Vs

1. The Secretary,
Revenue and Disaster Management,
Government of Tamil Nadu,
Secretariat, Chennai..

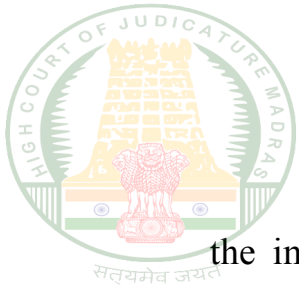
2. The District Collector,
Madurai District,
Madurai..

3. The Tahsildar,
Madurai East Taluk,
Madurai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned order of the 1st respondent dated 07.06.2024 in G.O(Ms)No.152 confirming the impugned order of the 2nd respondent dated 21.08.2023 in Na.Ka.No. 1057857/2023/J3 and

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the impugned order of the 3rd respondent dated 20.06.2023 quash the same and consequently forbear the respondents from disturbing the peaceful possession and enjoyment of the petitioner house situated in S.No. 73/35 situated at Ilangiyenthal Village, Madurai East Taluk

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Sarangan
Additional Government Pleader
Ms.N.Sivakami
Advocate Commissioner

ORDER

(Order of the Court was made by S.SRIMATHY, J.)

The writ petition has been filed challenging the impugned order of the 1st respondent dated 07.06.2024 confirming the impugned order of the 2nd respondent dated 21.08.2023 and the impugned order of the 3rd respondent dated 20.06.2023 and consequently forbear the respondents from disturbing the peaceful possession and enjoyment of the petitioner's house situated in S.No. 73/35 situated at Ilangiyenthal Village, Madurai East Taluk.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



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3. Through the impugned order, the respondents have alleged that the petitioner has encroached the portion to the extent indicated in the impugned order. However, the contention of the petitioner is that since it is a natham land, road will not be straight and there will be bends in the roads. It is the further contention of the petitioner that as per patta, he has occupied the said place and without measuring the house as per the patta, the respondents have alleged that he has encroached the said land in question.

4. As of now the respondents have not measured the petitioner's land as per the patta. The respondents only measured the road alone. The next contention of the petitioner is that even as per the impugned order, entire road is measured as 0.03.40 Ares. The Advocate Commissioner measured the road by treating the road as straight, then the road portion will be 0.04.41 Ares. Therefore, there is discrepancy in the original records as well as Advocate Commissioner's report, which clearly indicate that the Commissioner's report is including the portion, which the respondents stated as road. However, it is not so, ie., it is not a road at all.



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5. Therefore, the respondents are directed to measure the petitioner's property as per the patta linear measurement. If it is linearly measured, there cannot be any encroachment. If it is beyond so, the petitioner is directed to approach the civil Court for appropriate relief, especially as per the measurement stated in the patta, ie., linear measurement shall be taken into effect. Over and above, if there is any dispute, the petitioner is directed to approach the civil Court. Accordingly, the writ petition is disposed of. No costs. Consequently impleading petition is dismissed and other miscellaneous petitions are closed.

[J.N.B.,J]

[S.S.Y.,J]

24.04.2025

NCC : Yes/No
Index : Yes/No
RR



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