



W.P.(MD).No.16647 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.16647 of 2025

and

W.M.P.(MD).No.12638 of 2025

Muthusamy

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

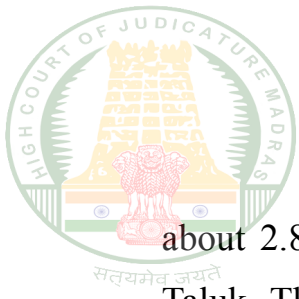
2.The Revenue Divisional Officer,
Vilathikulam,
Thoothukudi District.

3.The Block Development Officer,
Vilathikulam Taluk,
Vilathikulam,
Thoothukudi District.

4.The President / Executive Officer,
Mathikulam Panchayat,
Vilathikulam Taluk,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to remove the water tank constructed in the petitioner's land in Village Survey No.373/1A measuring



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about 2.892 cent situated at O.Lakshmi Narayanapuram Village, Vilathikulam Taluk, Thoothukudi District and restore the land as it was by considering the petitioner's representation dated 16.05.2025.

For Petitioner : Mr.N.Balasubramanian
For R-1 & R-2 : Mr.D.Ghandiraj
Special Government Pleader
For R-3 & R-4 : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner has approached this Court for a Mandamus to direct the respondents to remove the water tank constructed in the petitioner's land in Village Survey No.373/1A measuring about 2.892 cents situated at O.Lakshmi Narayanapuram Village, Vilathikulam Taluk, Thoothukudi District and restore the land as it was by considering the petitioner's representation dated 16.05.2025.

2. The petitioner claims to be the owner of the property measuring an extent of 2.89 cents pursuant to a sale deed dated 29.05.1967, which was registered as Document No.517/1967, from one Veeranagu Chettiar. It is the case of the petitioner that over the aforesaid land, the respondents 3 and 4 are



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putting up a water tank and thus encroaching onto the petitioner's land, which

was purchased as early as on 29.05.1967.

3. On the other hand, the learned Special Government Pleader for the respondents 1 and 2, on instructions, would submit that the land in question had a water tank earlier, which was demolished and a new water tank is being constructed. That apart, it is submitted that the land in question has been classified as a 'sarkar poromboke'.

4. Considering the fact that the construction has already been started, there cannot be any positive direction to the respondents to stall the construction at this stage. However, there shall be a direction to the third and fourth respondents to have the lands re-surveyed with the help of a Government Surveyor as to whether the construction that has been put up by the third and fourth respondents are indeed on the petitioner's land, which is said to have purchased by the petitioner pursuant to a registered sale deed dated 29.05.1967 in Document No.517/1967 from the said Veeranagu Chettiar. This exercise shall be completed by the third and fourth respondents within a period of six (6) weeks from the date of receipt of a copy of this order. Before conducting the survey, appropriate notice shall be issued to the petitioner. In case it is found



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that the petitioner's land has been encroached upon by the respondents 3 and 4,

the respondents 3 and 4 shall remove the construction and hand over the property to the petitioner.

5. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

20.06.2025

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

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Vilathikulam, Thoothukudi District.

3.The Block Development Officer,
Vilathikulam Taluk,
Vilathikulam, Thoothukudi District.

4.The President / Executive Officer,
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C.SARAVANAN,J.

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