



W.P(MD)No.16106 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16106 of 2025

M.Mokkasamy

... Petitioner

Vs

1. The Revenue Divisional Officer,
Dindigul District.
2. The Tahsildar,
Nilakottai Taluk,
Dindigul District.
3. The Taluk Surveyor,
Nilakottai Taluk,
Dindigul District.
4. The Inspector of Police,
Veeruveedu Police Station,
Dindigul District.
5. Muthulakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Mandamus*, directing the respondents 1 and 2 to not to fence the Property in S.No.40/1, 2, 3, 4 and 5 Santhaiyur Revenue Village, Chekkapatti Village, Nilakottai Taluk, Dindigul District based on the representation submitted by the petitioner dated 12.05.2025 within the time stipulated by this Court.



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For Petitioner : Mr.Sailendrababu

For Respondents : Mr.M.Lingadurai,
Special Government Pleader, for R-1 to R-3
M/s.M.Aasha, Government Advocate (crl side),
for R-4
M/s.Durgadevi, for R-5

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Mandamus*, directing the respondents 1 and 2 to not to fence the Property in S.No.40/1, 2, 3, 4 and 5 Santhaiyur Revenue Village, Chekkapatti Village Nilakottai Taluk, Dindigul District based on the representation submitted by the petitioner dated 12.05.2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land in S.No.45 and is engaged in cultivation on his land. The 5th respondent had purchased the land in S.Nos.40/1, 2, 3, 4 & 5 by violating the conditions of assignment and the said land is adjacent to the patta land. He further submitted that the 5th respondent is now attempting to dispossess the petitioner from the petitioner's land, when the petitioner cultivated the land.

3. It is seen from the records that there was an earlier allegation between the parties regarding the same issue. The 5th respondent submitted a representation and the same was considered, and a survey was



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conducted based on the order of this Court dated 10.03.2025 in W.P.(MD) No. 6345 of 2025. However, this Court had clearly held that the survey itself does not confer any right on the 5th respondent to dispossess the petitioner, and it was only on that condition that the survey was permitted. Now that the survey has been completed, the 5th respondent is attempting to fence the property. Since dispossession cannot be permitted without a proper order, the 5th respondent is restrained from dispossessing the petitioner from the said land. The 5th respondent is at liberty to approach the appropriate civil forum for any remedy, if so advised.

4. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs.

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

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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.16106 of 2025**

DATED : 09.07.2025