



W.P.(MD)No.19374 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.19374 of 2017

and

W.M.P(MD)Nos.15700 of 2017 & 20202 of 2018

K.P.Loganathan

... Petitioner

Vs.

- 1.The District Collector,
Tiruchirappalli District.
- 2.The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli District.
- 3.The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.
- 4.The Executive Officer/Special Officer,
Koothoor Panchayat,
Manachanallur Taluk,
Tiruchirappalli District.
- 5.Koothoor Grama Kuditheru Nala Sangam,
Represented by its President,
1/61, Kuditheru, Koothoor Post,
Manachanallur Taluk, Trichy-621 216.



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6.K.S.Rajashanmughavel

... Respondents

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(R5 & R6 are impleaded vide Court orders, dated 26.10.2018 & 15.04.2025 in W.M.P(MD)Nos.5523/2018 & 22308/2018 respectively)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from interfering with possession and enjoyment of the petitioner's property in Old Survey No.45/1 Part, new Natham Survey No.203/13, Koothoor Village presently in Manachanallur Taluk earlier in Lalgudi Taluk, Tiruchirappalli District without resorting to Land Acquisition Proceedings under any of the Land Acquisition Enactment.

For Petitioner : Mr.T.R.Jeyapalam
For R1 – R4 : Mr.C.Satheesh
Government Advocate
For R5 : Mr.Raghuvaran Gopalan
For R6 : Mr.K.Guhan

ORDER

The petitioner seeks issuance of writ of mandamus to forbear the respondents from interfering with the petitioner's possession and enjoyment of petitioner's property in Old Survey No.45/1 Part, new Natham Survey No.



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203/13, Koothoor Village presently in Manachanallur Taluk earlier in Lalgudi

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2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that the petitioner has put up a residential house and has also assessed the same to tax and has been promptly paying all taxes and charges to the revenue authorities. The petitioner has also succeeded in a suit filed in O.S.No.1283 of 1975 on the file of the Principal District Munsif Court, Tiruchirappalli and a decree was granted on 25.10.1976 in favour of the petitioner's vendor Meenakshi Sundarathammal, under whom the petitioner claims title under a registered sale deed.

4. The learned Government Advocate, on instructions, submits that the petitioner does not have any title and the petitioner is an encroacher of a water channe and therefore, the petitioner cannot claim any legitimate right over the property.

5. The learned counsel for the 5th respondent supports the case of the official respondents and states that the petitioner is an encroacher of a water



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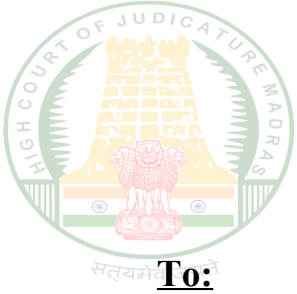
6. Be that as it may, if at all the respondents want to initiate any action, claiming the petitioner to be an encroacher, the respondents have to take recourse to due process of law and cannot attempt high-handedly to interfere with the petitioner's possession of the subject lands.

7. In view of the above, this writ petition is disposed of, directing the respondents to initiate legal steps to evict the petitioner in the event of the petitioner being an encroacher according to the respondents and take recourse to law and shall not otherwise disturb or interfere with the petitioner's possession. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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P.B.BALAJI, J.

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