



W.P.(MD) No.30532 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.30532 of 2023

Kavitha

... Petitioner

Vs

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

3. The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.

4. The Inspector of Police,
Thiruvattar Police station,
Kanyakumari District.

... Respondents

(R-4 is suo motu impleaded as per order of this Court dated 12.12.2025 made in W.P.(MD).No.30532 of 2025)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to vacate the unauthorized persons enter into the petitioner's site property in Survey Nos.254/6-14 (Plot No.14) in Thumbacode Village, patta issued by the second respondent for landless and houseless persons scheme.



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For Petitioner : Mr.N.S.Ramakrishna Dass
For R-1 to R-3 : Mrs.S.Jeyapriya,
Government Advocate
For R-4 : Mr.A.Albert James,
Government Advocate
(Criminal Side)

ORDER

The Inspector of Police, Thiruvattar Taluk, Kanyakumari District, is *suo motu* impleaded as the fourth respondent in this writ petition.

2. Mr.A.Albert James, learned Government Advocate (Criminal Side), takes notice for the newly impleaded fourth respondent.

3. This Writ Petition has been filed seeking a direction to the respondents to vacate the unauthorised persons, who have encroached upon the petitioner's site property comprised in Survey Nos.254/6-14 (Plot No.14), situated at Thumbacode Village, for which patta has been issued by the second respondent under the landless and houseless persons scheme.



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4. The learned counsel appearing for the petitioner submitted that a total extent of 45 free house site plots were allotted in Survey No. 254/6-14 (Plot No.14), Thumbacode Village, and the petitioner is one among the allottees. Patta has been issued in the name of the petitioner as well as in favour of the other allottees. The grievance of the petitioner is that certain persons residing in and around the subject plots are preventing the petitioner and other allottees from entering into their respective plots and from putting up construction. Hence, the petitioner has approached this Court by filing the present writ petition.

5. Per contra, the learned Government Advocate appearing for respondent Nos.1 to 3 submitted that the subject property has already been handed over to the petitioner and that patta has also been issued in her favour. If any third parties are preventing the petitioner from entering into the property, the petitioner has to work out her remedy in the manner known to law by approaching the concerned authorities or the appropriate forum. She would further submit that respondent Nos.1 to 3 have no further role to play in the matter.



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6. Considering the submissions made on either side, this Court is of the view that since possession of the plot has already been handed over to the petitioner and patta has been issued in her favour, respondent Nos.1 to 3 are not in a position to evict the unauthorised persons, if any. However, the petitioner and the other allottees are entitled to peaceful enjoyment of their respective plots.

7. Accordingly, the petitioner is directed to give a complaint before the Inspector of Police, Thiruvattar Police Station, Kanyakumari District. On receipt of such complaint, the fourth respondent shall consider the same and provide adequate police protection to enable the petitioner to enter into and enjoy the subject property without any obstruction, in accordance with law.

7. With the above directions, this writ petition stands disposed of.

No costs.

12.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
TSG



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KRISHNAN RAMASAMY, J.

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