



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.14672 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

Sivaramakrishnan

... Petitioner

Vs.

1.The District Collector,
Ramanthapuram,
Ramanathapuram District.

2.The Thasildar,
Rameshwaram Town and Taluk,
Ramanathapuram District.

3.The Commissioner,
Rameshwaram Municipality,
Ramanathapuram District.

(the 3rd respondent has been amended vide order dated 20.08.2015
passed by this Court in M.P. (MD) No.3 of 2015)

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus, calling for the records from the 3rd respondent in his proceedings in Na.Ka.No.390/2015/A2, dated 10.08.2015 and quash the same as illegal and consequently, direct the respondents 2 and 3 not to remove the petitioner's house in Survey No.696, Rameshwaram Town, Ramanathapuram District.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.S.Kumar, AGP

ORDER

This Writ petition has been filed to issue a Writ of Ceriorarified Mandamus, calling for the records from the 3rd respondent in his proceedings in Na.Ka.No.390/2015/A2, dated 10.08.2015 and quash the same as illegal and consequently, direct the respondents 2 and 3 not to remove the petitioner's house in Survey No.696, Rameshwaram Town, Ramanathapuram District.



2.The case of the petitioner is that the petitioner's house is situated in Survey No.696 in Rameshwaram Town, Ramanathapuram District and he is residing in the said house for the past 50 years. When the petitioner came to know that the Government is providing free pattas to the persons, who are all residing in the Government poramboke land, he approached the 2nd respondent seeking for free patta for his house. However, the 2nd respondent has not issued free patta to the petitioner. Hence, the petitioner filed a Writ petition in W.P.(MD)No.16748 of 2012 before this Court. During the pendency of the said Writ petition, a public interest litigation has been filed before this Court in W.P.(MD)No.16915 of 2012 by one NVR.Sethuramalingam Pillai, to remove the encroachments in the cart track. The above said two Writ petitions have been clubbed together and by order dated 17.03.2014, this Court observed as the land in respect of which the petitioner in the first Writ petition seeks patta, is admittedly in Survey No.696. The cart track is only in Survey No.695 and thus, this Court directed the 2nd respondent to examine the request of the petitioner to find out as to whether the land is Natham land or not and if so, pass appropriate orders in accordance with law for granting patta to the petitioner. In these situation, the 3rd respondent has issued the present impugned order dated 10.08.2015. Challenging the same, the present Writ petition has been filed.

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

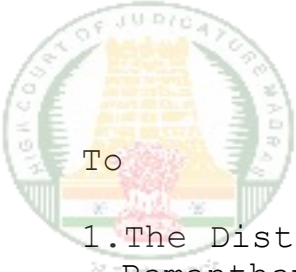
4.When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents submitted that the respondents 2 and 3 are going to remove the encroachment made in Survey No.695. However, the petitioner is residing in Survey No.696 and there is no need for the respondents to remove the petitioner as the land, in which the petitioner is in occupation, is not a cart track.

5.Recording the statement made by the learned Additional Government Pleader appearing for the respondents, this Writ petition is closed. No costs. Consequently, connected M.Ps.are closed.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Ramanthapuram,
Ramanathapuram District.

2.The Thasildar,
Rameshwaram Town and Taluk,
Ramanathapuram District.

3.The Commissioner,
Rameshwaram Municipality,
Ramanathapuram District.

+ 1 CC TO MR.M.SOLAISAMY, ADVOCATE IN SR NO. 48424/15

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 48525/15

NBJ

TE/JGB-DP/SAR(J) 09/09/2015 3P/6C

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20.08.2015