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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17457 of 2015

1.Anandan
2.M.Mathiyaru

... Petitioners

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

4.The Tahsildar,
Devakottai, Sivagangai District.

5.P.Selvam
6.S.Kanagambal

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 4 to cancel the settlement patta granted to respondents 5 and 6 to the land situated in S. No.266/7 and S. No.266/11 Devandathavu Village Kannangudi Group and Post Devakottai Taluk Sivagangai District and consequently remove the encroachment in the land earmarked as Panchayat School playground situated in S. No.266/9 Devandathavu Village Kannangudi Group and Post Devakottai Taluk Sivagangai District.

For Petitioner : Ms.S.Srimathy

For Respondents 1-4 : Mr.M.Alagadevan

Special Government Pleader.

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

<https://hcservices.ecourts.gov.in/hcservices/ViewPetition.aspx> The petitioner has come forward with this writ petition seeking for a direction to the respondents 1 and 4 to cancel the settlement patta granted to respondents 5 and 6 to the land



situated in S.Nos.266/7 and S.No.266/11, Devandathavu Village, Kannangudi Group and Post, Devakottai Taluk, Sivagangai District and consequently remove the encroachment in the land earmarked as Panchayat School playground situated in S. No.266/9 Devandathavu Village, Kannangudi Group and Post, Devakottai Taluk, Sivagangai District.

2.According to the petitioner, the respondents 5 and 6 are the owners of land in Survey.Nos.266/7 and 266/11. However, they have encroached the land in Survey No.266/9 and they are putting up construction. Therefore, the petitioner sent representation to the authorities. Since no final order has been passed, the present writ petition has been filed.

3.Admittedly, no writ petition will lie for cancellation of patta. However, the second respondent is directed to consider the representation of the petitioner dated 06.07.2015 in relation to encroachment, if it so and pass appropriate orders, on its own merits and in accordance with law, after affording sufficient opportunity to the petitioner as well as to the respondents 5 and 6, within a period of twelve weeks from the date of receipt of a copy of this order.

4.With the above direction, the writ petition is disposed of. No costs. Consequently, M.P(MD)No.2 of 2012 is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai, Sivagangai District.

2.The District Revenue Officer,
Sivagangai, Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

4.The Tahsildar,
Devakottai, Sivagangai District.

+1cc to Mr.S.M.S.Johnny Basha, Advocate Sr.No. 57696

+1cc to Spl.GOvernemnt Pleader Sr.No. 57325

sms

AA/AAL-MPA/14.10.2015/2p-7c