



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.19159 of 2015

A.Sundaram

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Pudukottai District.

3.The Tahsildar,
Thirumayam,
Pudukottai District.

4.Mani

5.Muthukannu

6.Palaniappan

7.Indira

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st to 3rd respondents to initiate the appropriate proceedings to cancel the patta granted in the name of the 4th to 7th respondents in survey No.259/9 to an extent of 0.53.0 acres situated at Santhaipettai, Rayavaram Village, Senkeerai Saragam, Thirumayam Taluk, Pudukkottai District, subsequently direct the 1st to 3rd respondents to clear the encroachment made by the 4th to 7th respondents in Government property in Survey No.259/9 to an extent of 0.53.0 acres in the light of the petitioners representation dated 03.07.2015.

For Petitioner

: Mr.E.Balasubramanian

For Respondents 1-3

: Mr.M.Alagathevan,

Special Government Pleader.

ORDER

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

The petitioner has come forward with this writ petition, <https://hcservices.mca.gov.in/hcservices/sevices/ports.do> in direction to the respondents 1 to 3 to initiate appropriate proceedings to cancel patta granted in the name of the respondents 4 to 7 in survey No.259/9 to an extent of 0.53.0 acres



situated at Santhaipettai Rayavaram Village, Senkeerai Saragam, Thirumayam Taluk, Pudukkottai District and to direct the respondents 1 to 3 to clear the encroachment made by the respondents 4 to 7 in Government property in Survey No.259/9 to an extent of 0.53.0 acres in the light of the petitioner's representation dated 03.07.2015.

2.The relief sought for by the petitioner in this writ petition to cancel the patta granted in favour of the respondents 4 to 7 cannot be granted as such. As the issue has already been decided by the authorities, it is for the authorities to decide the same in accordance with law. Therefore, the question of removal or taking possession does not arise. At this stage, we are not inclined to pass any direction in public interest except to give liberty to the authorities to proceed in accordance with law.

3.With the above observation, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Pudukottai District.

3.The Tahsildar,
Thirumayam, Pudukottai District.

+1cc to Mr.E.Bala Subramaniam, Advocate Sr.No.62422

+1cc to Spl.GOvernemnt Pleader Sr.No. 62539

sms

AA/NGM-SS/04.11.2015/2p-6c

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