



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

C O R A M

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P(MD) No.2292 of 2014

and

M.P(MD) No.1 of 2014

S.Arumugam

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. By its Secretary,
Revenue Department,
Fort.St. George, Chennai-600 009.

2.The Collector,
Dindigul District, Dindigul.

3.The Tahsildar,
Dindigul Taluk,
Dindigul District.

4.Municipal Commissioner,
Dindigul District, Dindigul.

5.The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Dindigul District.

6.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul, Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the third respondent to issue a patta in the petitioner's name in respect of bearing S.No.1771/1A in D.No.44M, Balakrishnapuram, Y.M.R.Patti, Near Police Gym, Siluvathur Road, Dindigul District measuring 1050 sq.ft.

For petitioner

...Mr.A.Jayaseelan

For R1 to R3, R5 & R6

...Mr.M.Alagathevan

Spl. Govt. Pleader

... J.Lawrance

**ORDER**

The writ petition has been filed for a writ of mandamus, directing the third respondent to issue patta to the petitioner in respect of S.No.1771/1A in D.No.44M, Balakrishnapuram, Y.M.R.Patti, Near Police Gym, Siluvathur Road, Dindigul District, to an extent of 1050 sq.ft.

2.The petitioner is in possession and enjoyment of the property to an extent of 1050 sq.ft. In S.No.1771/1A, D.No.44 M, Balakrishnapuram, Y.M.R Patti, Siluvathur Road, Dindigul District. The petitioner obtained electricity connection and paid Tax to Dindigul Municipality. According to him, in the revenue records, the said survey number is shown as Natham Poramboke. The petitioner approached the Revenue Authorities, for grant of patta. While so, the respondents 3 and 6 tried to interfere with his possession, demolish the building. Therefore, he made a representation, dated 31.01.2014, to the respondents 2 and 3, for issuance of patta. But, no order was passed on the same. Hence, he has come out with present writ petition, for the relief stated supra.

3.The fourth respondent filed counter affidavit. In the counter, it has been stated that the land in question is not Natham Poramboke and it belongs to Highways Department. The petitioner is an encroacher. In the year 2005 itself, notice has been issued for eviction of petitioner from Highways land. The petitioner is not entitled to patta. By spending huge amount, road has been laid. In view of injunction obtained by the petitioner, connecting roads could not be laid and prayed for dismissal of the writ petition.

4.Heard the learned counsel appearing for the parties.

5.The petitioner claims that the land in question is Natham Poramboke. On the other hand, the respondents claim that the land in question is belongs to Highways Department. Action has already been taken, for evicting the petitioner, who is an encroacher. The disputed question of fact whether the land belongs to Highways department or Natham Poramboke, cannot be decided in writ proceedings. In the circumstances, the petitioner is not entitled to relief sought for in the writ petition. It is open to the petitioner to approach the third respondent along with all the documents to substantiate his claim, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the third respondent is directed to consider the same and pass appropriate orders on merits and in accordance with the law. The petitioner is directed to approach the third respondent within a period of eight weeks thereafter.



6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Revenue Department,
Fort. St. George, Chennai-600 009.
2. The Collector,
Dindigul District,
Dindigul.
3. The Tahsildar,
Dindigul Taluk,
Dindigul District.
4. Municipal Commissioner,
Dindigul District, Dindigul.
5. The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Dindigul District.
6. The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul, Dindigul District.

+1cc to Spl. Government pleader Sr.No.52151
am
AA/GSV-PM/15.10.2015/3p-8c

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