



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2015

WEB COPY

C O R A M

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) No.19266 of 2013

and

M.P(MD)No.1 of 2013

Mayazhagu

... Petitioner

Vs.

1.The District Collector,
Pudukkottai.

2.The Tahsildar,
Pudukkottai.

3.The Commissioner,
Municipality,
Pudukkottai.

4.General Manager,
Aavin, MM-296, Pudukkottai District,
Co-operative Milk Producer Union Ltd.,
Kalyanaramapuram,
Pudukkottai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, forbearing respondents from interfering with the petitioner's peaceful possession and enjoyment of T.S.No.6085/1 natham 270 sq. meter of Pudukkottai.

For petitioner

...Mr.P.Ganapathi Subramanian

For R1 & R2

...Mr.M.Alagathevan

Spl. Govt. Pleader

For R3

...Mr.P.Mahendran

For R4

...Mr.Aayiram K.Selvakumar

ORDER

The writ petition has been filed for a writ of mandamus, forbearing respondents from interfering with the petitioner's peaceful possession and enjoyment of T.S.No.6085/1 natham 270 sq. meter of Pudukkottai.



2.The learned counsel for the petitioner submitted that the land in question is patta land and he is paying the property tax regularly for the building therein. The fourth respondent, in order to expand his office, tried to evict the petitioner from the said place. He resisted the same. The fourth respondent gave a complaint to the first respondent stating that the petitioner encroached the Navalkulam. Therefore, the petitioner has come out with the present writ petition.

3.According to the petitioner, the land in question is his patta land, whereas the fourth respondent has stated that the petitioner encroached the Navalkulam. Whether the land is patta land or he has encroached the land cannot be decided in the writ petition, as the same is disputed question of fact.

4.In view of the above fact, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai.

2.The Tahsildar,
Pudukkottai.

3.The Commissioner,
Municipality,
Pudukkottai.

4.General Manager,
Aavin, MM-296, Pudukkottai District,
Co-operative Milk Producer Union Ltd.,
Kalyanaramapuram,
Pudukkottai.

+1cc to Mr.P.Mahendran, Advocate Sr.No. 51915

am

AA/NGM-SS/30.09.2015/2p-6c

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