

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.33893 of 2015
and M.P.No.1 of 2015

U.Janagi

... Petitioner

Vs.

1. The District Collector,
Cuddalore District,

2. The Tahsildar,
Tittagudi Taluk,
Cuddalore District,

3. Pennadam Town Panchayat
rep.by its Executive Officer,
Pennadam - 606 105,
Tittagudi Taluk,
Cuddalore District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to impugned order/communication of 2nd respondent dated 30.09.2015 in Na.Ka.AA2.10482/2015 and quash the same as illegal, arbitrary and amounts to abdication of statutory duty and further direct the 2nd respondent to issue patta and till then forbear all the respondents, their men, agents or anybody acting through them, from in any manner dispossessing from the petitioner private patta property bearing Survey No.71/1, measuring an extent of 0.3 cents situate in 111, Thirumalalai Agaram revenue villge, Tittagudi Taluk, Cuddalore Distirct, more fully described in the writ petition and in the event of their encroachment, direct them to quit and restore vacant possession to the petitioner.

For Petitioner : Mr.R.Veeramani

For Respondents: Mr.V.Subbiah, Spl.Govt.Pleader
for RR.1 and 2
Mr.D.Suryanarayanan, Govt.Advocate
for R.3

O R D E R

Challenging the order passed by the 2nd respondent dated 30.9.2015, by which, it has been held that the property in which the construction is going on does not belong to the petitioner and there is no construction going on in her land, the present writ petition has been filed.

2. It is the contention of the petitioner that the construction is going on at the instance of the 2nd respondent in the property belonging to the petitioner. The said contention is disputed by the respondents. Learned Government Pleader produced a letter from the Revenue Tahsildar, Tittagudi dated 1.11.2015 stating that in the presence about 10 members of the general public the petitioner was shown her land apart from placing stone. However, the petitioner has refused to sign the same.

3. In view of the above stand taken, this Court cannot go into the issue sought to be raised, as it is advisable for the petitioner to approach the jurisdictional Civil Court alone. Therefore, in the event of the petitioner not accepting the three cents of land covered and shown on 1.11.2015, it is well open to her to approach the jurisdictional Civil Court. Considering the facts and circumstances of the case, there shall be an order of status quo for a period of four weeks so that the petitioner could take a decision in this regard for initiating appropriate action with respect to the ongoing construction. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The District Collector,
Cuddalore District,
2. The Tahsildar,
Tittagudi Taluk,
Cuddalore District,

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3. Pennadam Town Panchayat
rep.by its Executive Officer,
Pennadam - 606 105,
Tittagudi Taluk,
Cuddalore District.

1 cc to Mr.R. Veeramani, Advocate, Sr. 1435
1 cc to Mr.D. Suriyanarayanan, Advocate, Sr. 1580
1 cc to Government Pleader, Sr. 1810

W.P.No.33893 of 2015

BVR (CO)
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