

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30779 of 2016

P.Perumal

... Petitioner

Vs.

1 The District Collector,
Vellore District,
At Vellore.

2 The Sub Collector,
Thirupattu Taluk,
Vellore District.

3 The Tahsildar,
Vaniyampadi Taluk,
Vellore District.

4 The Village Administrative Officer,
Kothakottai Village,
Vaniyampadi Taluk,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 28-03-2016 and thereby direct the 3rd respondent to issue patta in the name of petitioner in respect of the property situated in Survey No. 340/2, Kothakottai Village, Vaniyambadi Taluk, Vellore District totally to an extent of 1 acre 55 cents on the light of the proceedings of the 1st respondent in O.Mu.Pi./5549/2016 dated 23-05-2016.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.K.Thangapandi for R1 to R3
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.A perusal of the materials placed before this Court would prima facie indicate that the petitioner's father had encroached upon the Government Poromboke land in Kothakottai Village in S.No.340/2 and claim to be in possession and after his demise, the petitioner has succeeded to the same and in the form of representation to the respondents, prayed for issuance of patta and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the father of the petitioner and after his demise, the petitioner continues to be in possession, for over sixty years and therefore, prays for issuance of patta.

4.Per contra, Mr.K.Thangapandi, learned Government Advocate who accepts notice on behalf of the respondents 1 to 3 would submit that admittedly, the petitioner is an encroacher and even as per the communication of the District Forest Office dated 11.03.2016, the land in question is classified as 'Government Poromboke' and the petitioner as a matter of right, cannot claim patta.

5.This Court has considered the rival submissions.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the third respondent to consider and dispose of the same, in accordance with law, after putting on notice, the persons concerned and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned.

7.The writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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TO

- 1 The District Collector,
Vellore District,
At Vellore.
- 2 The Sub Collector,
Thirupattu Taluk,
Vellore District.
- 3 The Tahsildar,
Vaniyampadi Taluk,
Vellore District.
- 4 The Village Administrative Officer,
Kothakottai Village,
Vaniyampadi Taluk,
Vellore District.

+1cc to Mr.A Rajesh Kanna, Advocate, S.R.No.50110
+1cc to the Government Pleader, S.R.No.50329

RJ(CO)
EU(03/09/2016)

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