



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2016

CORAM

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THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P (MD) . No. 15843 of 2015

and

M.P. (MD) . No. 1 & 2 of 2015

R.Eswaran

.. Petitioner

Versus

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Taluk Office,
Madurai East Taluk,
Madurai District.

3.The President,
Meenakshipuram Panchayat,
Madurai East,
Madurai District.

4.T.Dhanushkodi

5.S.Deivendran

6.M.Pandi

7.A.Boominathan

8.M.Karuththapandi

9.P.Duraipandi

10.Arul Prakash

(As per order dated 26.04.2016,
made in W.M.P(MD)No.3578 of 2016,
the respondents 4 to 10 are impleaded)

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus forbearing the respondents herein from in any way dispossessing the petitioner from his house property situated in Survey No.28/3 of an extent of 0.33.5 hectares situated at Meenakshipuram, 2nd pit village, Madurai East Taluk, Madurai District and consequently, direct the 2nd respondent to do the needful in favour of the petitioner as per G.O.Ms.No.854, Rev. L.D.1(2) Department dated 30.12.2006 and on the basis of representation made by the petitioner dated 30.06.2015.



For petitioner : Mr. C. Gangai Amaran
For respondents : Mr. N.S.Karthikeyan AGP for RR1 to 3
Mr. K.K. Senthil for R4 to R10

ORDER

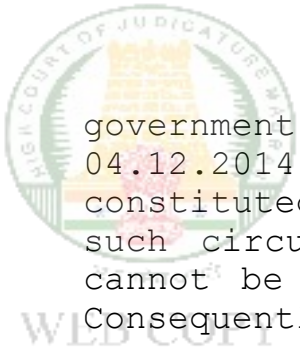
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The petitioner claims to be in possession and enjoyment of the land comprised in Survey No. 29/3 measuring 0.33.5 hectares at Meenakshipuram, 2nd Pit, Gandhi Nagar Village, Madurai for more than 40 years. According to the petitioner, his claim for grant of patta has not been considered by the official respondents inspite of sending numerous representations. It is the further grievance of the petitioner that the Government has issued G.O. Ms. No.854, Revenue Department dated 30.12.2008 whereby it was ordered that those who are in possession and occupation of government poromboke lands for more than 10 years are entitled for grant of patta. According to the petitioner, by applying the above said Government Order, the respondents ought to have granted patta to him, but the same is not forthcoming, hence he has filed this writ petition.

2. The learned counsel appearing for the respondents 4 to 10, who are subsequently impleaded as parties to the writ petition, would contend that in the land in Survey No.28/3 and the adjacent land in Survey No.29/3 has been encroached by the petitioner. It is also contended that the official respondents did not take any action to remove the encroachment inspite of their repeated representations.

3. The second respondent has filed a vacate stay petition, in which, he has denied the various averments raised in the affidavit filed in support of the writ petition. In the counter affidavit, it was specifically stated that subsequent to passing of G.O. Ms. No.854, Revenue Department dated 30.12.2008, the Government has issued G.O.Ms.No.540 Revenue (LD6 (2) Department dated 04.12.2014 whereby the Government has constituted a committee to regularise the encroachments made in the government lands. It is also stated that notice under Section 5 of the Land Encroachment Act has been issued to the petitioner and others and they were also informed that alternative lands will be provided to them. It is further stated that the encroachment made by the petitioner in the land is required for expansion of the Government School. At any rate, as per GO Ms. No.540 dated 04.12.2014, the petitioner has to approach the competent committee constituted by the Government and it is for the committee to decide the same.

4. I heard the counsel on either side and perused the materials placed on record. As rightly pointed out by the learned Government Counsel, the government has passed GO Ms. No.540 dated 04.12.2014 and constituted a committee to regularise the encroachment. Admittedly, the petitioner is in occupation of a



government land and as per the said GO Ms. No.540 dated 04.12.2014, the petitioner has to approach the Committee constituted by the Government for getting necessary relief. In such circumstances, the prayer sought for in the writ petition cannot be granted. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Taluk Office,
Madurai East Taluk,
Madurai District.
- 3.The President,
Meenakshipuram Panchayat,
Madurai East,
Madurai District.

+1cc to Mr.K.K.Senthil Advocate SR.Np.24792
+1cc to Special Government Pleader SR.No.24191

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