



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10541 of 2016

Mani

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thanjavur District,
Thanjavur.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to grant patta for petitioner's house site situated in Natham Puramboku land, Survey No.236/4 an extent of 2½ cents situated at Pillayar Koil Street, Mela Maruthuvakkudi, Aduthurai-612 101, Thiruvidaimaruthur Taluk, Thanjavur District, by considering his representation dated 16.10.2015, within the period stipulated by this Honourable Court.

For Petitioner	:Mr.A.Haja Mohideen
For Respondents	:Mr.S.Kumar
	Addl. Government Pleader

O R D E R

Heard both sides.

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

3. No counter is filed on behalf of the Respondents 1 & 2.

4. According to the petitioner, he is a poor agricultural coolie and is residing in the said address since his childhood. His father came into possession of Natham Poromboke land in Sy.No.236/4, measuring an extent of 2½ cents situate at Pillayar Koil Street, Mela Mruthuvakkudi, Aduthurai, Thiruvidaimaruthur Taluk, Thanjavur District 60 years ago and put up a thatched roof house on the adjoining the area for storing fire-woods, hay-stake, rearing milch cows, cooking etc. and residing there.



5. The stand of the petitioner is that he is continuously renovating the said thatched roof house. As a matter of fact, Aduthurai Selection Grade Panchayat had assessed property tax in his father's name bearing No.1416 and he is paying the tax. Also, electricity connection was given in his father's name. He has a family ration card, Aathar Card, Voter Card, Electricity Service Connection and he is also paying property tax in respect of the property in question.

6. The clear cut stand of the petitioner is that he submitted a representation dated 16.10.2015 addressed to the first respondent/District Collector, Thanjavur District, requesting him to grant patta for his occupation in Natham Poromboke land bearing Sy.No.236/4, measuring an extent of 2½ cents, situate at Pillayar Koil Street, Mela Mruthuvakkudi, Aduthurai, Thiruvidaimaruthur Taluk, Thanjavur District. The said representation has not yet disposed of. Therefore, he has filed the present writ petition praying for passing of an order by this Court in directing the respondents to grant patta in respect of his house site by considering his representation dated 16.10.2015.

7. At this stage, it is to be pertinently pointed out by this Court that one K.Anbu has filed W.P.(MD).No.18340 of 2015 before this Court against the District Collector, Thanjavur District, the Tahsildar, Thiruvidaimaruthur Taluk Office, Thiruvidaimaruthur, Thanjavur District, showing other 10 respondents as parties to the said writ petition, whereby and whereunder, a relief was sought for for passing of an order by this Court in directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 12 on the Pillaiyarkovil Street, 8th ward, Aaduthurai Town Panchayat, Thanjavur District.

8. In fact, a Honourable Division Bench of this Court, on 09.10.2015, in W.P.(MD).No.18340 of 2015, at paragraph No.5 among other things observed as under:

"5. In such view of the matter, the petitioner has to approach the competent authority, as per the said Government Order, for redressal of his grievance for eviction of encroachments. Accordingly, the petitioner is directed to file a petition before the competent authority. On receipt of such petition, the competent authority shall consider the same and pass appropriate orders, on merits, and in accordance with the said Government Order, within the time limit, as prescribed."

and ultimately disposed of the writ petition by issuing necessary

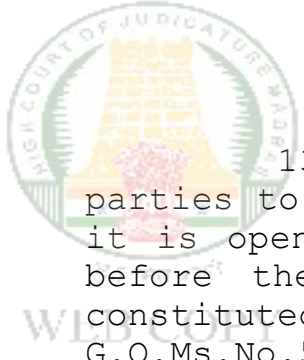


9. In view of the foregoing, the petitioner has filed the present W.P.(MD).No.10541 of 2016 before this Court seeking necessary relief viz., to consider the representation by the 2nd respondent/Tahsildar, Thiruvidaimaruthur Taluk, Thanjavur District. It is to be noted that in W.P.(MD).No.18340 of 2015 filed by one K.Anbu, the said writ petition was filed as a Public Interest Litigation and in the said writ petition, the name of the present writ petitioner figures as 6th Respondent.

10. Moreover, it appears that when W.P.(MD).No.18340 of 2015 came up for hearing before this Court on 09.10.2015, it was submitted by the Learned Special Government Pleader to the effect that the petitioner (K.Anbu) has to approach the competent authority seeking redressal of his grievance, as per G.O.Ms.No.540, Revenue LD6(2) Department, dated 04.12.2014, wherein, the Government has placed a mechanism to remove encroachments on Government lands, pursuant to the direction issued by this Court in W.P.No.26722 of 2013, dated 08.10.2014. It is not known whether K.Anbu (petitioner in W.P.(MD).No.18340 of 2015) has filed the petition before the competent authority for eviction of encroachers (including the petitioner).

11. Apart from that, the petitioner K.Mani, who filed W.P.(MD).No.10541 of 2016 before this Court has not arrayed the said K.Anbu as one of the respondents. However, one Ramamirtham has filed W.P.(MD).No.10540 of 2016; one Katturaja has filed W.P.(MD).No.10539 of 2016; one Kaipillai @ Raja has filed W.P.(MD).No.10542 of 2016, seeking issuance of patta for their respective house sites situated in Natham Puramboku land Survey No.236/4 an extent of 2½ cents situated at Pillayar Koil Street, Mela Maruthuvakkudi, Aduthurai-612 101, Thiruvidaimaruthur Taluk, Thanjavur District, by considering their representation dated 16.10.2015.

12. Be that as it may, in view of the fact that on an earlier occasion, this Court in W.P.(MD).No.18340 of 2015 had directed the petitioner K.Anbu therein to file a petition before the competent authority for eviction of encroachment and for passing orders on merits and in accordance with the said Government Order within the time limit as prescribed, then, this Court is of the considered view that the petitioner's request for issuance of patta by considering his representation by the second respondent is an otiose one. Viewed in that perspective, the writ petition sans merits and consequently, fails.



13. In fine, the writ petition is dismissed leaving the parties to bear their own costs. It is abundantly made clear that it is open to the petitioner to seek redressal of his grievance before the Redressal Committee (for eviction of encroachment) constituted by the State Government in terms of ingredients of G.O.Ms.No.540, Revenue LD6(2) Department, dated 04.12.2014, by raising all factual / legal pleas, if he so desires/advised.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thanjavur District,
Thanjavur.

+1cc to Mr.A.Hajamohideen, Advocate SR.No.36609

sm:GSV-PM:20.07.2016:4P/4C

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