



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.22834 of 2016

Mr.P.Sundarasekaran

... Petitioner

Vs.

- 1.The Secretary to the Government,
Department of Revenue,
Fort St. George,
Chennai - 9.
- 2.The Commissioner of Land Administration,
O/o.the Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai -5.
- 3.The District Collector,
Tuticorin District,
Tuticorin.
- 4.The District Revenue Officer,
O/o.the District Revenue Officer,
Tuticorin District.
- 5.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.
- 6.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.
- 7.The Executive Engineer(PWD/WRO),
Thamarabarani Basin Division,
Public Works Department,
Tirunelveli -2.
- 8.The Assistant Executive Engineer(PWD/WRO),
Lower Thamarabarani Basin Sub-Division,
Public Works Department,
Srivaikundam,
Tuticorin District.



9. The Junior Engineer, PWD/WRO,
Thenkal Section,
Thenthiruperai,
Tiruchendur Taluk,
Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent NO.1 to grant land assignment patta to the petitioner for the property in an extent of 0.75.0 Hectares situated in Survey No.842/1, 843/2, Thirukkalur Village, Tiruchendur Taluk, Tuticorin District in accordance with the RSO 15 of the Revenue Standing Orders within the time period stipulated by this Honourable Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Muruganandham,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent No.1 to grant land assignment patta to the petitioner for the property measuring to an extent of 0.75.0 Hectares situated in Survey No.842/1, 843/2, Thirukkalur Village, Tiruchendur Taluk, Tuticorin District in accordance with RSO 15 of the Revenue Standing Orders, within a stipulated time.

3. According to the petitioner, he is in possession and enjoyment of the above said land. Earlier, the petitioner filed an application before the respondents seeking assignment of patta in his favour. When the application is pending, the proceedings under the Land Encroachment Act was initiated against the petitioner. Subsequently, eviction notice was issued under Section 6 of the Act. Against the eviction notice, the petitioner filed an appeal before the third respondent and the said appeal is pending.

4. Before that, the District Collector vide proceedings, dated 12.08.2016, directed the Tahsildar to conduct enquiry on the application filed by the petitioner for assignment of land. Based on that, the petitioner has filed this Writ Petition.

5. Now an order of eviction was passed under Section 6 of the Land Encroachment Act by the Public Works Department on 28.10.2016, an appeal is also pending against that order. In view of the same, till the disposal of the appeal, patta cannot be granted in favour of the petitioner.



6. In the result, this Writ Petition is dismissed. However, it is open to the petitioner to approach the Authority, after finalisation of eviction proceedings. No Costs.

WEB COPY

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to the Government,
Department of Revenue,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Land Administration,
O/o.the Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai -5.
- 3.The District Collector,
Tuticorin District, Tuticorin.
- 4.The District Revenue Officer,
O/o.the District Revenue Officer, Tuticorin District.
- 5.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Tiruchendur, Tuticorin District.
- 6.The Tahsildar,
Tiruchendur Taluk, Tuticorin District.
- 7.The Executive Engineer(PWD/WRO),
Thamarabarani Basin Division,
Public Works Department, Tirunelveli -2.
- 8.The Assistant Executive Engineer(PWD/WRO),
Lower Thamarabarani Basin Sub-Division,
Public Works Department, Srivaikundam,
Tuticorin District.
- 9.The Junior Engineer, PWD/WRO,
Thenkal Section, Thenthiruperai,
Tiruchendur Taluk, Tuticorin District.

+One cc to The special Government Pleader, SR.No.73705

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.73572

pm

RL/12C/SKS/RR/12.12.2016

W.P(MD)No.22834 of 2016