

In the High Court of Judicature at Madras

Dated: 30.01.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.2107 of 2017

and

WMP No.2066 of 2017

Palani

..Petitioner

Vs

1 The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2 The Tahsildar,
Thiruvannamalai Taluk & District.

3 K.Manickam

4 M.Elumalai

5 Sathya

6 Valli

..Respondents

Prayer: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of mandamus to forbear the respondents 1 and 2 from disturbing or interfering with the lawful peaceful possession of the petitioner with respect to property admeasuring 120 square meter out of 0.01.20 hectare comprised in Natham Survey No.63/46, Vengikal Village, Thiruvannamalai Taluk & District.

For Petitioner : Mr.G.Rajan

For Respondents: Mr.R.S.Selvam

Government Advocate

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ORDER

This writ petition is filed for a mandamus to forbear the respondents 1 and 2 from disturbing or interfering with the lawful peaceful possession of the petitioner with respect to property admeasuring 120 square meter out of 0.01.20 hectare comprised in Natham Survey No.63/46, Vengikal Village, Thiruvannamalai Taluk & District.

2. According to the petitioner, he occupied the subject property by constructing a tiled house in the year 2010 and the respondents 3 to 6 attempted to encroach the property and the petitioner filed a suit in O.S.No.268 of 2016 seeking for permanent injunction, which is still pending. Whiles, the respondents 3 to 6 repeatedly approached the second respondent and tried to transfer the patta. According to him, the petitioner is the lawful owner and he is granted patta by the second respondent. Hence, he has come up with the present writ petition for the abovesaid relief.

3. Heard both sides.

4. Even as per the document produced by the petitioner, the Tahsildar, Thiruvannamalai, by proceedings E1/2217/2015 dated 29.01.2015, has clearly stated that in respect of Survey No.63/46, there is no proceedings for cancellation of patta or appeal regarding cancellation of patta. In that view of the matter, apprehension of the petitioner is unwarranted. Of course, regarding the dispute with neighbors, he already filed a civil suit in O.S.No.268 of 2016 which is pending before the Sub Court, Tiruvannamalai. It is suffice to state that the Tahsildar would not take any proceedings for cancellation of patta of the petitioner if so far not taken without necessary notice to the petitioner. Recording the same, the writ petition is closed. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vri
To

1 The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2 The Tahsildar,
Thiruvannamalai Taluk & District.

+1 cc to Mr.G.Rajan Advocate sr 5687

+1 cc to Government Pleader sr 5947

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