



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P(MD)No.11157 of 2017

M.Nesamanohar

.. Petitioner

Vs.

1.State of Tamil Nadu rep. by its Secretary,
Department of Revenue (Land Development),
Fort St. George, Chennai - 600 009.

2.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

3.The Tahsildar,
Lalgudi Taluk,
Tiruchirappalli District.

4.Thiagarajan

5.Padmanaban

.. 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 respondents 1 to 3 to take necessary legal steps to remove the alleged encroachment made by the fourth and fifth respondents, Nanja Land in S.F.No.126-3, measuring 3 Acres (1.21.5) Hectares situated at Neikulam, Lalgudi, Nedungur, Tiruchirappalli District and direct the third respondent to cancel the patta issued in favour of the fourth respondent.

For Petitioner : Mr.P.Dhanasekaran

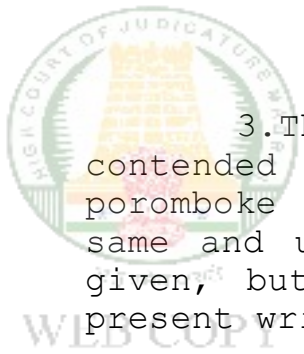
For Respondents 1 to 3 : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to take necessary legal steps for the purpose of removing the encroachment alleged to have been made by the respondents 4 and 5 in S.F.No.126/2B, Neikulam, Lalgudi, Nedungur, Tiruchirappalli District, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition, notice need not be sent to the respondents 4 and 5.



3.The learned counsel appearing for the petitioner has contended to the effect that Survey No.126/2B is a Government poramboke land and the respondents 4 and 5 have encroached the same and under the said circumstances a representation has been given, but the same has not been considered and therefore the present writ petition has been filed.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended to the effect that as per revenue records Survey No.126/2B has been classified as Rayatwari Punjai, wherein a tank is situate and therefore the petitioner has no locus standi to file the present writ petition.

5.In fact this Court has perused original 'A' Register, wherein it has been clearly mentioned that Survey No.126/2B as Rayatwari Punjai and the same stands in the name of Padmanaba Reddiar.

6.Considering the fact that the land mentioned in the petition does not belong to Government and the same is a private land, this writ petition is not factually and legally maintainable and therefore the same deserves to be dismissed.

7.In fine, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Department of Revenue (Land Development),
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
 - 2.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
 - 3.The Tahsildar,
Lalgudi Taluk,
Tiruchirappalli District.
- +1cc to Special Government Pleader, SR.No. 60551

ORDER MADE IN
W.P (MD) No.11157 of 2017
15.06.2017