



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12235 of 2017

V.Raja

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Natham, Dindigul District.

3.S.P.Pullaraveeran

4.V.Ganesan

5.P.Selvaraj

6.P.Anburaja

7.S.Siddharthan

8.Duraisingam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to immediately take necessary action to remove the encroachments made by the respondents 3 to 8 on the basis of petitioner's representation dated 30.05.2017 and to restore the water body namely Pillarankulam situated in S.No.148/2 Nadumandalam Village, Natham Taluk, Dindigul District.

For petitioner : Mr.R.Devaraj for Mr.P.RajaGopalan

For respondents : Mr.M.Govindan

Special Government Pleader

for R.1 and R.2

: Mr.N.Rahmadullah for R3 to R6

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition in *pro bono publico* to direct the respondents 1 and 2 to take action against the respondents 3 to 8 and remove the encroachments.



petitioner against the third respondent.

3. It is the case of the petitioner that the predecessor in interest of the third respondent fraudulently obtained patta in respect of the property in S.No.148/2. According to the petitioner, the land in question is a water body. If that be so, the remedy is only to approach the appropriate authority for cancellation of patta. This Court would not be justified in issuing a Mandamus to direct the respondents 1 and 2 to evict the respondents 3 to 8, in view of the patta granted to their predecessor in interest. We, therefore, do not find any reason to issue a Mandamus as prayed for by the Writ Petitioner. However, we make it clear that this order would not stand in the way of the Revenue Authorities from considering the matter in accordance with law.

4. The Writ Petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Natham, Dindigul District.

+1cc to Mr.M.Rahamadullah,Advocate,SR.NO.71039
+1cc to Mr.P.RajaGopalan,Advocate,SR.NO.70729
+1cc to M/s.Special Government Pleader,SR.NO.70994

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