



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.22254 of 2017

R.Kannan

: Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Madurai.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Peraiyur Road,
Usilampatti,
Madurai.
3. The Tahsildar,
Taluk Office,
Tirumangalam,
Madurai District.
4. The Revenue Divisional Officer,
Kalligudi Firka,
Tirumangalam Taluk,
Madurai District.
5. The Village Administrative Officer,
K.Vellakulam Bit I,
Tirumangalam Taluk,
Madurai District.

6. D.Rajaram

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, directing the Respondents 1 to 5 to remove the encroachment made by the sixth Respondent in Natham Porampokku in Survey No.300 which is surrounded on North by the Survey Nos.300/47, 300/48 and 300/49 and the same is surrounded on West by the Survey Nos.300/45 and 300/46 and the same is surrounded on East by the Survey Number 300/51 and the same is surrounded on



South by the Survey No.302 in Solampatti Hamlet of K.Vellakulam Bit I Village, Tirumangalam Taluk, Madurai District, based on the Petitioner's representation dated 30.10.2017.

For Petitioner : Mr.V.Baskaran

For Respondents 1to5 : Mr.T.R.Janarthanan,
Additional Government Pleader

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

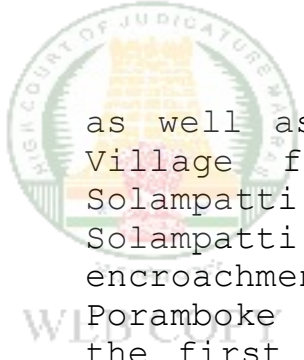
The Petitioner has come forward with the present Writ Petition seeking for the issuance of a Writ of Mandamus, directing the Respondents 1 to 5 to remove the encroachment made by the sixth Respondent in Natham Poramboke in Survey No.300, which is surrounded on North by Survey Nos.300/47, 300/48 and 300/49 and the same is surrounded on West by Survey Nos.300/45 and 300/46 and the same is surrounded on East by Survey Number 300/51 and the same is surrounded on South by Survey No.302 in Solampatti Hamlet of K.Vellakulam Bit I Village, Tirumangalam Taluk, Madurai District, based on the Petitioner's representation dated 30.10.2017.

2. Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader appearing for the Respondents 1 to 5.

3. To avoid an avoidable delay, notice to the sixth Respondent is dispensed with, to prevent an aberration of justice.

4. According to the Petitioner, he is residing at Solampatti Village, Hamlet of K.Vellakulam Bit I, Tirumangalam Taluk, Madurai District. A Natham Poramboke land is commonly used as pathway by the Village people in Old Survey No.154 Part (New Survey No.300) of K.Vellakulam Bit I Village, Tirumangalam Taluk, Madurai District. The aforesaid Natham Poramboke land is surrounded by Survey Nos.300/45, 300/46, 300/47, 300/48, 300/49, 300/50 and 300/51, K.Vellakulam Bit I Village.

5. The clear-cut stand of the Petitioner is that no one has a right to claim title over the afore-said Natham Poramboke in Survey No.300 of K.Vellakulam Bit I Village. At this stage, the Learned Counsel for the Petitioner points out that the afore-said Natham Poramboke land is encroached by the sixth Respondent (S. Rajaram, S/O. Dharmaraj Reddiyar) and the said land was used as pathway to the house of the Petitioner's son, viz., Sundararajan

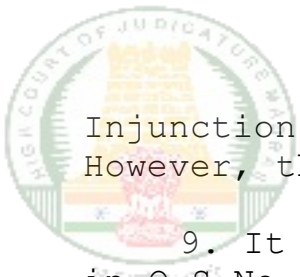


as well as common place for get together of Village public for Village festivals and for procession of Amman festival of Solampatti Village. Further, the Petitioner and the Public of Solampatti Village submitted a representation to remove the encroachment made by the sixth Respondent in the afore-said Natham Poramboke land in Survey No.300, K.Vellakulam Bit I Village, to the first Respondent on 30.10.2017 and that the first Respondent had directed the third Respondent to take steps to remove the encroachment made by the sixth Respondent.

6. The Petitioner comes out with a plea that the third Respondent/Tahsildar, Tirumangalam, Madurai District, had directed the fourth Respondent to visit the afore-said land and the fourth and fifth Respondents made a visit in respect of the land in question on 07.11.2017. But the fourth and fifth Respondents had not enquired the Petitioner as well as the public of Solampatti Village. They had approached the sixth Respondent directly and caused an enquiry with him.

7. Apart from the above, the Petitioner along with the Village people had approached the third Respondent on 10.11.2017 and that the third Respondent gave a reply that she was waiting for the field report of the fourth Respondent. Once again, they approached the fourth Respondent on 05.11.2017. They could not able to meet the fourth Respondent. The grievance of the Petitioner in this regard is that till date, the fourth Respondent had not taken effective steps to file a status report of encroachment made by the sixth Respondent. Indeed, the sixth Respondent is taking steps to secure revenue patta in respect of the encroached land in Natham Poramboke land in Survey No.300 K.Vellakulam Bit. Therefore, one K.Sundarajan, S/o.Kannan sent an Objection Petition, wherein, a request was made not to grant patta for the land, which is encroached by the sixth Respondent, on 18.11.2017 before the Respondents 2 and 3. Hence, the Petitioner has filed the present Writ Petition seeking necessary directions to be issued by this Court, based on his representation dated 30.10.2017.

8. At this stage, the Learned Additional Government Pleader appearing for the Respondents 1 to 5 submits that the sixth Respondent (D.Rajaram) figuring as fourth Plaintiff along with other Plaintiffs, had laid a Suit in O.S.No.613 of 1994 on the file of Learned District Munsif, Tirumangalam and sought a relief of Permanent Injunction against one Ramasamy and two others (second and third Defendants being Tamil Nadu Government, represented by the District Collector, Madurai and Tahsildar, Tirumangalam) and accordingly, obtained a decree of Permanent Injunction. In this connection, on behalf of the Respondents 1 to 5, the Learned Additional Government Pleader submitted to the notice of this Court that the present Survey No.300/7 corresponds to old Survey No.154 Part at K.Vellakulam Bit I Village and, therefore, the decree of Permanent



Injunction is operating against the first and third Respondents. However, this aspect is not accepted on behalf of the Petitioner.

9. It is to be borne in mind that the first Defendant-Ramasamy in O.S.No.613 of 1994 on the file of the Trial Court is reportedly the father of the present Writ Petitioner.

10. Considering the fact that the Petitioner has come out with a plea that his representation dated 30.10.2017 is to be considered by the Respondents 1 to 5, at this stage, this Court, simpliciter, directs the Respondents 1 to 5 to inform the Petitioner about the Judgment and Decree obtained by the sixth Respondent against one Ramasamy and others in O.S.No.613 of 1994 on the file of the Trial Court in writing, within a period of two weeks from the date of receipt of copy of this order. If the Petitioner has any further grievance in this regard, it is open to him to work out his remedy before the competent Forum, of course, in the manner known to law and in accordance with law, if he so desires/if so advised.

11. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
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2. The Revenue Divisional Officer,
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Madurai District.



5. The Village Administrative Officer,
K.Vellakulam Bit I,
Tirumangalam Taluk,
Madurai District.

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+1cc to Mr.V.Baskaran, Advocate Sr.No.91164
+1cc to Spl.Government Pleader Sr.No.91471

SML

VB/MR/KKR/SAR3/22/12/2017/5P/8C

Order made in
W.P. (MD) No.22254 of 2017
Dated: 06.12.2017