



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.15206 of 2016

and

W.M.P (MD) No.11204 of 2016

C.Muthukumar

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Thasildar,
Madurai East Taluk,
Office of the District Collector,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, for direction to the first respondent to consider and pass orders on the petitioner's representation dated 08.08.2016 in assigning the extent of land in occupation and issue patta in S.No.28/3 Meenakshipuram-II Bit, Kallandiri Firka, Madurai East Taluk, Madurai District as per procedure established by law.

For Petitioner

: Mr.N.Sundareshan

For Respondents

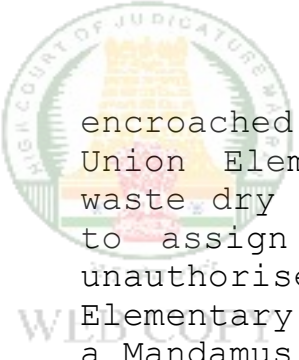
: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

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

The petitioner filed this writ petition to direct the first respondent to issue patta in respect of the land in Survey No.28/3, Meenakshipuram-II Bit, Kallandiri Firka, Madurai East Taluk, Madurai District on the basis of his representation dated 08.08.2016.

2. The counter affidavit filed by the second respondent/Thasildar Madurai East Taluk indicates that the petitioner is an encroacher of the said land. The petitioner



encroached the land which is in the possession of the Panchayat Union Elementary School. The land is classified as Government waste dry land. There is no question of directing the respondents to assign the land and that too, when the petitioner is in unauthorised occupation of the land owned by the Panchayat Union Elementary School. We, therefore, do not find any reason to issue a Mandamus as prayed for by the petitioner.

3. In the upshot, we dismiss the Writ Petition. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Thasildar,
Madurai East Taluk,
Office of the District Collector,
Madurai.

+1cc to Mr.N.Sundareshan, Advocate SR.No.75753

PJL

VB/GT/SAR1/21/09/2017/2P/4C

W.P(MD)No.15206 of 2016
30.08.2017