



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

WEB COPY

W.P(MD)No.5322 of 2017

A.Solaiappan

.. Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Tahsildar,
Poonamaravathi Taluk,
Pudukkottai.

3. Rm.Chidambaram

4. C.Ramamoorthy

5. C.Vasanthan

.. 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 second respondent to consider petitioner's representation dated 24.12.2016 on the basis of the earlier representation dated 17.09.2012, 05.11.2016 and 25.11.2016 and on the basis of the memo, dated 29.12.2016 vide O.Mu.E2/15729/2016 issued by the first respondent and conduct the enquiry and to cancel the free patta issued in the name of the respondents 3 to 5 in Survey No.86/32, 86/30 and 86/31 an extent of 0.04.0, 0.04.0 and 0.03.5 ares respectively and to remove the encroachment made by the respondents 3 to 5 in the pathway and a portion of Nondikaruppanasamy Temple and Urani Poramboke situated in Theradi Malampatti, Melamela Nilai Post, Ponnamaravadi, Pudukkottai.

For Petitioner : Mr.Babu Rajendran

For RR 1 & 2 : Mr.K.Guru,
Additional Government Pleader.

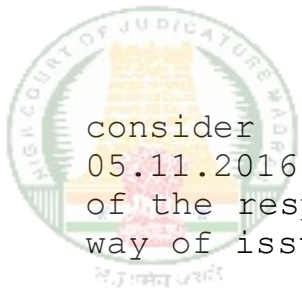
For RR 3 to 5 : Mr.R.Rajaraman

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to



consider the representations dated 24.12.2016, 17.09.2012, 05.11.2016 and 25.11.2016 in respect of patta granted in favour of the respondents 3 to 5 in Survey Nos.86/32, 86/30 and 86/31, by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has vehemently contended to the effect that the fourth respondent is the son of the third respondent and fifth respondent is the wife of the third respondent. In respect of survey numbers mentioned in the petition, the second respondent has granted three pattas in their names. Under the said circumstances, for the purpose of cancelling the same, various representations have been given to the first and second respondents, but the same have not been considered.

3.Both the learned counsel appearing for the respondents 3 to 5 and the learned Additional Government Pleader appearing for the respondents 1 and 2 have uniformly contended to the effect that the survey numbers mentioned in the petition are classified as Natham Poramboke and on the basis of long enjoyment of the respondents 3 to 5, pattas have been granted and the petitioner has no *locus standi* to question the same and therefore the relief sought in the Writ Petition cannot be granted.

4.It is seen from the records that in respect of survey numbers mentioned in the petition, separate pattas have been granted in the names of the respondents 3 to 5.

5.Considering the fact that the survey numbers mentioned in the petition are classified as Natham Poramboke and also considering that already separate pattas have been granted in the names of the respondents 3 to 5, this Court cannot decide as to whether pattas have been issued properly or not. Under the said circumstances, this Court is inclined to pass the following order.

6.In fine, this Writ Petition is allowed in part without costs. The respondents 1 and 2 are directed to look into the various representations alleged to have been given by the petitioner and dispose of the same as early as possible.

Sd/-

Assistant Registrar(Crl Side)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.court.gov.in/hcservices/> Collector,
Pudukkottai District,
Pudukkottai.



2. The Tahsildar,
Poonamaravathi Taluk,
Pudukkottai.

+1cc to Mr.Babu Rajendran, Advocate Sr.No.62167

+1cc to Mr.R.Rajaraman, Advocate Sr.No.62169

+1cc to The Spl. Government Pleader Sr.No.62727

PS

VB/MR/KKR/SAR4/06.07.2017/3P/6C

ORDER MADE IN
W.P (MD) No. 5322 of 2017
28.06.2017