



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.5546 of 2017

Mohan Ram

.. Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.

3.The Superintending Engineer,
National Highway,
Mannarpuram,
Trichy.

4.The Tahsildar,
Srirengam Taluk Office,
Srirengam,
Trichy.

5.The General Manager,
Melmaruvathur Aadhi Parasakthi Sidhar Beedam,
S.S.36, Ganapathi Nagar,
Thiruvanaikovil,
Trichy.

6.Bangaru Adigalar

7.The Zonal Engineer,
National Highway Authority of India,
Tiruchy Planning Zone,
No.36, IIIRD Main Road,
Ponnagar, Trichy District-620 001.

(R7 is impleaded vide court Order

dated 19.04.2017 in WMP(MD).No.5656 of 2017)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 4th respondents to remove illegal construction made by the fifth and sixth respondents Melmaruvathur Aadhi Parasakthi Sidhar Beedam Mandapam situated at T.S.No.2019/93-1 at Periyar Nagar, Srirengam, Tiruchirappalli Corporation.

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

For petitioner

: Mr.S.GopalaManikandan



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For R1 & R4 : Mr.M.Govindan
Special Government Pleader
For R5 : Mrs.Vijaya Rathinam
for Mr.A.Thiyagarajan
For R6 : Mr.Veerakathiravan
Senior Counsel
for M/S.Veera Associates
For R2 : Mr.N.S.Karthikeyan,
Standing Counsel
For R3 :NA

O R D E R

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

The petitioner filed this writ petition directing the respondents 1 to 4 to remove the encroachment made by the fifth and sixth respondents in respect of the land situated in T.S.No.2019/93-1 at Periyar Nagar, Srirengam, Trichirappalli.

2.According to the petitioner, the land belongs to Trichirappalli Corporation and the fifth and sixth respondents have made an encroachment in the said land and constructed a prayer hall. In view of the construction of prayer hall, the public is put to difficulties, as it abuts the main road.

3.The counter affidavit filed by the fourth respondent indicates that the property in question is a patta land and as such, it would not be possible for the Government to remove the alleged encroachment.

4. The learned Counsel for the petitioner by placing reliance on the documents available on record, contented that the land absolutely belongs to the Corporation. According to the learned Counsel, the Tahsildar has no right to grant patta in respect of the land owned by the Corporation.

5.The learned Senior Counsel for the sixth respondent on the other hand contented that the land absolutely belongs to the sixth respondent. Since the construction was made in a patta land, the petitioner is not entitled to the issuance of a writ of Mandamus.

6.We have also heard the learned Special Government Pleader on behalf of the respondents 1 and 4 and the learned Standing Counsel for the second respondent.

7.The petitioner has taken up a contention that the property in question is a public property owned by the Trichirappalli Municipal Corporation. However, the counter affidavit filed by the Tahsildar, the fourth respondent herein indicates that the patta of the property has already been given to the sixth respondent.



8. Since the prayer is in the patta land, it is not possible to issue a Mandamus directing the respondents 1 to 4, to remove the encroachment. It is always open to the petitioner to challenge the order granting patta to the sixth respondent, in case, he is aggrieved. It is also open to the petitioner to approach the appropriate authority to redress his grievances, notwithstanding the disposal of this writ petition.

9. The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2. The Tahsildar,
Srirengam Taluk Office,
Srirengam, Trichy.

+1cc to Mr. S. GOPALAMANIKANDAN Advocate in SR. NO. 65525

+1cc to Mr. N. S. KARTHIKEYAN Advocate in SR. No. 65429

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 66085

+1cc to VEERA ASSOCIATES in SR. No. 65382

RJ2/TSG

JS/MR.KKR/SAR.1/9.8.2017/3P-7C

ORDER MADE IN
W.P (MD) No. 5546 of 2017
13.07.2017