



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

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

W.P.(MD)No.8087 of 2017
and
W.M.P(MD)Nos.6217 and 12153 of 2017

K.Shakthivel

.. Petitioner

Vs.

1. The Secretary,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The Tahsildar,
Thirumayam Taluk,
Pudukottai District.
4. The Village Administrative Officer,
Melappanaiyur Village,
Thirumayam Taluk,
Pudukottai District.

5.Sarasawathi

6.Karupaiyah

7.Kumaresan

8.Pazhaniyaie

9.Valli

10. Kamalan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 not to change or alter usage of the plot which was originally



earmarked as Park and Community Hall in Survey No.782 and consequently cancel the sub-division of plots and pattas granted to respondents 5 to 10 in Survey Nos. 782/1 to 782/6.

For petitioner

: Mr.J.Madhu

For R1 to R4

: Mr.Govindan

Special Government Pleader

For RR 5,6,8 and10

: Mr.V.Sitharanjandas

For R7 and R9

: No appearance

ORDER

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

The writ petitioner has filed this writ petition seeking a direction to the respondents 1 to 4 not to change or alter the usage of the plot, which was originally earmarked as Park and Community Hall in Survey No.782.

2.Even according to the petitioner, the government have issued patta in favour of the respondents 5 to 10. There is no challenge to the proceedings in and by which the patta was granted to the private respondents. There is no question of issuing a writ of mandamus to cancel the patta without there being any challenge to the proceedings by which the patta was granted to the respondents 5 to 10.

3. We do not therefore find any reason for issuing a writ of mandamus as prayed for in this writ petition.

4. We, therefore, dismiss the writ petition with liberty to the petitioner to challenge the proceedings relating to the patta issued in favour of the respondents 5 to 10.

5. The impleading petition is dismissed. However, we make it clear that this order would not stand in the way of the petitioner in the miscellaneous petition to take appropriate proceedings in accordance with law. No Cost. Consequently, connected W.M.P.(MD).No.6217 of 2017 is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar



To:

1. The Secretary,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The Tahsildar,
Thirumayam Taluk,
Pudukottai District.
4. The Village Administrative Officer,
Melappanaiyur Village,
Thirumayam Taluk,
Pudukottai District.

+1 cc to Mr.V.Sitharanjandas , Advocate in SR.No. 72715
+1 cc to The Special Government Pleader in SR.No.73214

dsk

AE/MR KKR/SAR2/05.09.2017/3P/7C

W.P. (MD) No.8087 of 2017
16.08.2017