

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.4093 of 2018

Pappiaha

...Petitioner

VS

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Tahsildar,
Choolagiri Taluk Office,
Choolagiri
Krishnagiri District.
3. The Block Development Officer,
Choolaigiri Block development Office,
Choolagiri,
Krishnagiri District.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent herein to issue patta with regard to the vacant land in survey No.327/12, Ohsahalli Village, Enusonai Post, Choolagiri Taluk, Krishnagiri District to the Petitioner pursuant to the representation dated 01.08.2016.

For petitioner : Mr.T.Muruganantham
For Respondents : Mr.E.Balamurugan
Special Government Pleader.

ORDER

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent of both sides, the writ petition is taken up for final disposal.

2.This writ petition is filed seeking for a mandamus directing the first respondent to issue patta with regard to the vacant land in Survey No.327/12, Ohsahalli Village, Enusonai Post, Choolagiri Taluk, Krishnagiri District, based on the petitioner's representation dated 01.08.2016.

3.It is the case of the petitioner that he is the owner of the land at Survey No.327/11 and adjacent to such land, a poramboke land is available at Survey No.327/12 and the said land is also in continuous possession and enjoyment of the petitioner for a long time. Now the petitioner seeks for grant of patta in respect of the above poramboke land apart from the patta granted in respect of the private land at Survey No.327/11.

4.Heard both sides.

5.It is seen that the petitioner herein has already approached this Court and filed a writ petition in W.P.No.16629/2016, challenging an order of the second respondent dated 21.03.2016 and consequently, for a direction to consider his representation for grant of patta. The said writ petition was disposed of by the Division Bench of this Court on 01.06.2016, wherein it is specifically observed at paragraph No.6 as follows:

"6.We have considered the averments made in the writ petition and also heard both sides. If the petitioner has got any semblance of record to show that he is in possession of the land in Survey No.327/11, Gramanatham, Soolagiri Panchayat, on the basis of issuance of patta in his name or in his father's name, it is for the petitioner to produce the same before the respondents 1 and 2 and prove that he is not an encroacher of the Village Panchayat land. Accordingly, we direct the petitioner to appear before the second respondent and produce a copy of this order along with necessary records to substantiate his possession, within 15 days from the date of receipt of a copy of this order. On such production, the second respondent, shall hold a detailed enquiry in this regard and if he finds that the petitioner is going beyond his right available as per the patta issued by the Special Tahsildar in respect of the Grama Natham land, it is open to the authority to evict the encroachment made by the petitioner, after

following the due process of law, within two months thereafter."

6. A careful perusal of the above said order would show that the Division Bench of this Court has specifically observed that the Authorities are entitled to evict the encroachment made by the petitioner after following the due process of law, if it is found that he is going beyond his right available as per the patta issued by the Special Tahsildar. When such being the direction issued by the Division Bench, I do not think that the petitioner is entitled to seek the present relief in respect of the land at Survey No.327/12. Accordingly, I do not find any merit in this writ petition. Thus, the same is dismissed. No costs.

26.02.2018

Speaking/Non Speaking

Index :Yes/No

Internet:Yes/No

vri

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To

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K.RAVICHANDRABAABU,J.

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