

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.14949 of 2018

T.Susainathan

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Villupuram District,
Villupuram.

3. The Tahsildar,
Thirukoilur Taluk,
Villupuram District.

4. Amalorpavamery

5. Rakkini Ammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent herein to consider the representation dated 18.11.2017 and issue patta in favour of the petitioner.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader (R1 to R3)

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O R D E R

This Writ Petition has been filed seeking for a Writ of Mandamus directing the 2nd respondent to consider the representation dated 18.11.2017 wherein the petitioner has made a request to cancel the patta issued in favour of Amalorpavamery and Rakkini Ammal in respect of Survey No.149/1A3 measuring to an extent of 0.50 ares.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property in Survey No.149/1A3 measuring an extent of 7.5 cents in Kallarai Veedhi, T Athipakkam, Tirukkoyilur Taluk, Villupuram. The respondents 4 & 5 have purchased a land measuring 7.5 cents from one Arulappan and they have been accessing their land abutting the petitioner's property. On 03.11.2017, the Land Surveyor had measured the land, fixing the boundary stones within the land, which is in possession and enjoyment of the petitioner. Thereafter, on enquiry, the petitioner came to know that the aforementioned extent of land had been sub-divided and patta in S.No.149/1A3 for an extent of 0.50 ares has been granted to the respondents 4 & 5. Objecting to the same, the petitioner has given a representation on 18.12.2017 to cancel the patta issued in favour of the respondents 4 & 5 and to sub-divide the land and issue patta to his land. As no response is forthcoming, the petitioner has filed the present Writ Petition.

3.In paragraph - 3 of the affidavit as the petitioner has averred that the respondents 4 & 5 have encroached into his lands, the remedy open to him is to approach the Civil Court.

4.In view of the same, the Writ Petition is dismissed, giving liberty to the petitioner to approach the Civil Court to work out his remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram District, Villupuram.

2.The Revenue Divisional Officer,
Villupuram District, Villupuram.

3.The Tahsildar,
Thirukoilur Taluk, Villupuram District.

+1cc to the Government Pleader, S.R.No.39919

W.P.No.14949 of 2018

CP(CO)
CS/03/07/18