

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY
W.P.No.17209 of 2018
and
W.M.P.Nos.20478 and 20479 of 2018

Thavamani Petitioner
Vs

The Villupuram Municipality,
Rep. by the Commissioner,
Villupuram,
Villupuram District. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the respondent in connection with the order Na.Ka.No.5536/2018/F1 dated 06.07.2018 and quash the same.

For Petitioner : Mr.R.Srinivas

For Respondents : Mr.P.Srinivas

ORDER

(Order of this Court was made by N.KIRUBAKARAN, J)

The petitioner has come before this Court, challenging the notice issued by the Respondent/Municipality, dated 06.07.2018.

2.Heard Mr.R.Srinivas, learned counsel appearing for the petitioner and Mr.P.Srinivas, learned counsel appearing for the respondent.

3.It is evident from the records that the petitioner was granted patta in proceedings dated 10.02.2009 by the Tahsildar, to an extent of 0.0005 Ares comprised in Survey No.28/3, Salamedu Village, Villupuram Taluk and District.

4.According to Mr.P.Srinivas, learned counsel appearing for the respondent, when the patta was given, converting the

poramboke land into Natham, the petitioner could have enjoyed the land, for which, he was given patta, whereas the petitioner is said to have encroached upon another land also and therefore, action was taken subsequently and the encroached portion was demolished, leaving the patta land and the construction thereon.

5. In view of above submission, the Writ Petition has become infructuous. However, Mr. R. Srinivas, learned counsel appearing for the petitioner would submit that by the impugned order the respondent is trying to disturb the possession of the petitioner of the land, for which the petitioner has already been issued with a patta in proceedings dated 10.02.2009 by the Tahsildar, to an extent of 0.0005 Ares viz. measuring 31 sq. mt. When the petitioner has already been given patta to an extent of 31 sq. mt., the respondent cannot interfere with the petitioner's possession in respect of the land, for which he has already been issued patta.

Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

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To

The Commissioner,
Villupuram Municipality,
Villupuram,
Villupuram District.

सत्यमेव जयते

W.P.No.17209 of 2018

CP (CO)
GN(11/08/2018)

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