



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

And

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P(MD)No.642 of 2018

and

W.M.P.(MD)No.670 of 2018

M.Pitchai Poosari

... Petitioner

Vs.

1.The Collector,
The Collectorate,
Dindigul,Dindigul District.

2.The Thasildhar,
Taluk Office,
Athoor, Dindigul District.

3.R.Chinnappan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to remove the encroachment made by the 3rd respondent in the "Village Common Space - Government Porambokku" situated in Survey No.780/10, Kaliasman Kovil Street,, Perumal Kovilpatti, Ambathurai, Athoor Taluk, Dindigul District.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.M.Murugan

Government Advocate

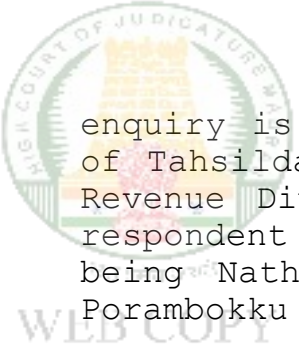
ORDER

(Order of the Court was made by **C.T.SELVAM, J.**)

Petitioner informing land in Survey No.780/10, Kaliasman Kovil Street, Perumal Kovilpatti, Ambathurai, Athoor Taluk, Dindigul District to be Porambokku land and complaining of 3rd respondent having encroached thereon has moved the present writ petition.

2. We have heard Mr.B.Rajesh Saravanan, learned counsel for petitioner and Mr.M.Murugan learned Government Advocate for respondent.

3. In admitted circumstances, where 3rd respondent has sought patta to the property, which petitioner complained as having been encroached upon 3rd respondent and Revenue Divisional Officer



enquiry is pending on 3rd respondent's application wherein a report of Tahsildar has been sought, it would follow that the decision of Revenue Divisional Officer on the entitlement or otherwise of 3rd respondent patta would flow from the fact of the land in question being Natham land, as informed by counsel for 3rd respondent or Porambokku land, as contended by the counsel for petitioner.

4. In the circumstances, this Court finds no merits in the Writ Petition. Of course, if the land in question is found to be Porambokku land, then authorities necessarily would be required to act in keeping with the Tamil Nadu Land Encroachment Act, 1905, if the same is being encroached upon.

5. With the above observation, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Collector,
The Collectorate,
Dindigul, Dindigul District.

2.The Thasildhar,
Taluk Office,
Athoor, Dindigul District.

+1CC TO M/S.B.RAJESH SARAVANAN, ADVOCATE, SR NO.59156
+1CC TO M/S.G.PRABHU RAJADURAI, ADVOCATE, SR NO.59579
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.59537

Order made in
W.P(MD)No.642 of 2018
02.04.2018

MPK

MS/SV-MMS/SAR-1/24.04.2018/2P.6C