



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.22142 of 2017

Muniyandi

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
Kamuthi Taluk Office,
Ramanathapuram District.
3. The Special Tahsildar,
Welfare of Scheduled Case and
Scheduled Trips Department,
Ramanathapuram.

4.Selvam

5.Muniyammal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th and 5th respondents in Park in Survey Nos.328/1, 328/2, Uppankulam, Pakkuvetti Post, Kamuthi Taluk, Ramanathapuram District, by considering the petitioner's representation dated 16.11.2017.

For Petitioner : Mr.S.Muniyandi

For R1 to R3 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R5 : Mr.C.K.M.Appaji

**COMMON ORDER**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader and Mr.C.K.M.Appaji, learned counsel, appearing for the respondents.

2.The petitioner has filed this writ petition praying for a direction to the respondents 1 to 3 to remove the encroachments alleged to have been made by the 4th respondent in Survey No.328/1, 328/2, which according to the petitioner has been classified as a Park.

3.The learned counsel appearing for the fourth and fifth respondents submitted that house site patta has been granted by the Tahsildar by his proceedings dated 20.07.2016 and there is a valid patta and hence, the respondents four and five cannot be considered as encroachers.

4.The petitioner being aware of this position has filed the petition before the Tahsildar to cancel the patta. Since no action has been taken, he approached the District Adi Dravidar and Tribes Welfare Officer, Ramanathapuram and gave a petition to cancel the patta. This has been forwarded by the said officer to the third respondent for taking appropriate action. Since no action has been initiated, the petitioner is before this Court.

5.Considering the above facts, we direct the third respondent to consider the representation of the petitioner forwarded by the District Adi Dravidar and Tribes Welfare Officer, Ramanathapuram vide proceedings in Na.Ka.No.2/24634/2017 dated 16.06.2017, issue notice to the respondents four and five, conduct enquiry after affording opportunity of personal hearing to the respondents 4 and 5 and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6.With the aforesaid direction this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Kamuthi Taluk Office,
Ramanathapuram District.

3. The Special Tahsildar,
Welfare of Scheduled Caste and
Scheduled Tribes Department,
Ramanathapuram.

+ 1 cc TO Mr.S.Muniyandi , Advocate in SR No. 52582

+ 1 cc TO Mr.C.K.M.Appaji , Advocate in SR No. 52466

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AE/SKN RSK/SAR1/13.04.2018/3P/6C

ORDER MADE IN

**W.P (MD) No.22142 of 2017
02.03.2018**