



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.20658 of 2018

Ponnuchamy

... Petitioner

vs.

1. The District Collector,
Tiruchirapalli District.

2. The Tahsildar,
Marungapuri Taluk,
Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 herein to take immediate action to grant patta in favour of the petitioner in respect of the land comprised in S.No.441/9 situated at Chokkampatti, Ayanporuvai Village, Marungapuri Taluk, Trichy District, on the basis of representation dated 26.3.2018 within the time stipulated by this Court.

For Petitioner : Mr.P.Palaniappan

For Respondents: Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

O R D E R

When the matter was taken up for admission, the learned Additional Government Pleader, appearing for the respondents submitted that in respect of the same property, the respondents have already issued a notice, dated 11.09.2018, under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the petitioner seeking to evict him from the property as he being encroacher of the property under his possession. However, notwithstanding the notice, dated 11.09.2018, the petitioner has approached this Court seeking a writ of mandamus directing the respondents to take action for grant of Patta in his favour in respect of the property under this occupation.

<https://hcservices.ecourts.gov.in/hcservices/>
2. This Court is unable to appreciate as to how such a writ petition is maintainable in the teeth of notice issued by the respondents under the Tamil Nadu Land Encroachment Act, 1905.



Therefore, the present writ petition is completely misconceived and cannot be maintained in view of the notice issued as aforesaid. Therefore, the writ petition is dismissed as not maintainable. No costs.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
Tiruchirapalli District.
2. The Tahsildar,
Marungapuri Taluk,
Tiruchirapalli District.

+ 1 CC TO Mr.V.SELVA, ADVOCATE IN SR No. 88433
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88201

KRK
TE/SKN/SAR-1 : 12/10/2018 : 2P/5C

W.P. (MD) No.20658 of 2018
01.10.2018