

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.2701 of 2019

S.Murugesan

... Petitioner

Vs.

1.The District Collector,
Perambalur, Perambalur District.

2.The District Revenue Officer,
Perambalur, Perambalur District.

3.The Tahsildar,
Kunnam, Perambalur District.

4.A.Rukmani

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to remove the encroachment made by the 4th respondent in Survey No.104/4 and 104/6 in Perali South, Maruvathur, Kunnam Taluk, Perambalur District cancelling the patta issued in favour of the 4th respondent in Survey No.104/4.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

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

Mr.T.Ravichandran (R4)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue Writ of mandamus directing the respondents to remove the encroachment made by the 4th respondent in Survey Nos.104/4 and 104/6 in Perali South, Maruvathur,

Kunnam Taluk, Perambalur District cancelling the patta issued in favour of the 4th respondent in Survey No.104/4.

2.It is the case of the petitioner that the land in Survey Nos.104/4 and 104/6 are water-bodies and therefore, the encroachment made by the 4th respondent should be removed.

3.Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) appearing for the respondents 1 to 3 submitted that the 3rd respondent, the Tahsildar, Kunnam Taluk, Perambalur District, has written a letter dated 12.03.2019 to him stating that the lands in Survey Nos.104/4 and 104/6 belong to one Rukmani w/o Azhagappan and one Lalitha w/o Rajaraman respectively and they have also obtained patta in respect of their lands separately. The learned Government Pleader (i/c) also produced a copy of the letter dated 12.03.2019 wherein the 3rd respondent has specifically stated that the lands in Survey Nos.104/4 and 104/6 are not water-bodies and that they are private lands belonging to the said Rukmani and Lalitha.

4.The learned counsel for the petitioner submitted that liberty may be given to the petitioner to challenge the subsequent proceedings in accordance with law.

5.In view of the submission made by the learned counsel on either side, considering the letter dated 12.03.2019 of the 3rd respondent, the Tahsildar, the Writ Petition is disposed of. However, it is open to the petitioner to challenge the subsequent proceedings in accordance with law. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

va

To

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1.The District Collector,
Perambalur, Perambalur District.

2.The District Revenue Officer,
Perambalur, Perambalur District.

3.The Tahsildar,
Kunnam, Perambalur District.

+1cc to the Government Pleader Sr.46181
+1cc to Mr.T.Ravichandran, Advocate Sr.45201
+1cc to M/S.C.S.Associates, Advocate Sr.45568

W.P.No.2701 of 2019

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srg 05/07/2019



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