

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.9635 of 2019

S.Rajiv Gandhi

.. Petitioner

Vs.

1. The Tahsildar,
Tittakudi Taluk,
Tittakudi,
Cuddalore District.
2. The Revenue Inspector,
Pennadam Firka,
Pennadam, Tittakudi Taluk,
Cuddalore District.
3. The Village Administrative Officer,
O/o Village Administrative Officer,
PE.Poovanur Village,
Konur Post, Tittakudi Taluk,
Cuddalore District.
4. Rasathi
5. Narayanasami
6. Periyasami

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the 1st respondent to remove the encroachment caused by the respondents 4 & 5 over the Natham Poramboke in Survey No.129/5, to an extent of 4138.2 sq.ft. (9.5 cents) which is situated at O.Keeranur Revenue Village, Pe.Poovanur Panchayat, Tittakudi Taluk, Cuddalore District within a stipulated period.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate (R1 to R3)

Mr.T.Sezhian (R4 to R6)

O R D E R

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

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue of Writ of mandamus directing the 1st respondent to remove the encroachment caused by the respondents 4 & 5 over the Natham Poramboke in Survey No.129/5 to an extent of 4138.2 sq.ft. (9.5 cents) which is situated at O.Keeranur Revenue Village, Pe.Poovanur Panchayat, Tittakudi Taluk, Cuddalore District within a time frame.

2.Admittedly, the land in Survey No.129/5 measuring an extent of 4138.2 sq.ft. (9.5 cents) is a "Natham Poramboke" and was allotted to the respondents 4 & 5 under the Tamil Nadu State Green House Scheme. Further, the petitioner himself has stated that patta was also issued in their favour and that they have put up construction in the said land.

3.Mr.S.N.Parthasarathy, learned Government Advocate appearing for the respondents 1 to 3 submitted that since patta was issued in favour of the respondents 4 & 5, the petitioner's prayer for removal of encroachment cannot be granted. Further, the learned Government Advocate submitted that unless the patta granted in favour of the respondents 4 & 5 are cancelled, the authorities cannot evict them from the land in dispute.

4.Since the petitioner himself has admitted that patta was issued in favour of the respondents 4 & 5 and that they have put up construction, the relief sought for in the present Writ Petition cannot be granted. However, it is open to the petitioner to seek for appropriate remedy before appropriate authorities in accordance with law.

5.With this observation, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

va

Sub Assistant Registrar

To

1. The Tahsildar,
Tittakudi Taluk,
Tittakudi,
Cuddalore District.

2. The Revenue Inspector,
Pennadam Firka,
Pennadam, Tittakudi Taluk,
Cuddalore District.

3. The Village Administrative Officer,
O/o Village Administrative Officer,
PE.Poovanur Village,
Konur Post, Tittakudi Taluk,
Cuddalore District.

+1 cc to M/s.R.Meenal, Advocate, S.R.No.45566

+1 cc to Mr.C.Samivel, Advocate, S.R.No.45299

+1 cc to the Government Pleader, S.R.No.46180

W.P.No.9635 of 2019

(CO)
SSM(19/06/2019)



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