

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12463 of 2019

N.Karunagaran

... Petitioner

Vs.

1.The District Collector
O/o.Collectorate
Kancheepuram District.

2.The Thasildar
O/o. The Thasildar Chengalput Taluk
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to grant patta to assign an extent of 0.20.0 cents of land situated in Survey No.310/1 Kumizhi, Mettupalayam Village, No.19, Chengalput Taluk, Kancheepuram District by considering the petitioner's representation dated 07.11.2017.

For Petitioner : M/s.Selvi George
For Respondents : Mr.E.Balamurugan
Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents to grant patta/assignment of land measuring an extent of 0.20.0 cents situated at Survey No.310/1 Kumizhi, Mettupalayam Village, No.19, Chengalput Taluk, Kancheepuram District by considering his representation dated 07.11.2017.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials placed before this Court.

4. The petitioner seeks for grant of patta/assignment in respect of the subject matter land, which is admittedly, the Government Poromboke land. According to the petitioner, the said land is being used by him as pathway to have access to his property. It is an admitted fact that subsequent to an order passed in WA.No.1660 of 2016, eviction proceedings were initiated to remove the encroachers from the Government Poromboke lands and the petitioner is one among

such encroachers. It is further seen that the petitioner has approached this Court and filed the writ petition No.10031 of 2019 and challenged the eviction proceedings.

5. It is stated by the learned counsel for the petitioner that the said writ petition was disposed of only by directing the respondents to follow the procedures prescribed under the Land Encroachment Act before evicting the petitioner.

6. Therefore, it is an admitted fact that the eviction proceedings were already initiated against the petitioner and the Division Bench of this Court directed the authorities to follow the procedures prescribed under the Land Encroachment Act before evicting the petitioner. When such being the factual position, the petitioner is not entitled to indirectly get the order passed by the Division Bench of this Court in WP.No.10031 of 2019 diluted, by seeking the relief as sought for in this writ petition for grant of patta or assignment of the subject matter land. Admittedly, when the property sought to be granted with patta or assignment is a Government Poramboke land, the petitioner is not having any right to seek such remedy, more particularly, when the eviction proceedings against the petitioner is under process. Under such circumstances, I find that the present writ petition is totally misconceived and cannot be entertained. Accordingly, this Writ Petition fails and the same is dismissed. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

mk

To

1.The District Collector
O/o.Collectorate
Kancheepuram District.

2.The Thasildar
O/o. The Thasildar Chengalput Taluk
Kancheepuram District.

+1 cc to M/S.SELVI GEORGE ADVOCATE SR.NO. 40541/2019
+1 CC TO MR Government Pleader SR.NO. 41223/2019.

W.P.No.12463 of 2019

ssv(co)
RD 10/06/2019