



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.12083 of 2018

and

WMP (MD) No.11007 of 2018

Amanullah

:Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Thasildhar,
O/o.The Thasildhar,
Thiruvadanai Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to issue patta to the petitioner for the land in Survey No.289, Marungoor Groups Village, S.P.Pattinam, Thiruvadanai, Ramanathapuram District till then forbearing the second respondent to disturb or interfere into peaceful possession of the petitioner in Survey No.289, Marungoor Groups Village, S.P.Pattinam, Thiruvadanai, Ramnathapuram District.

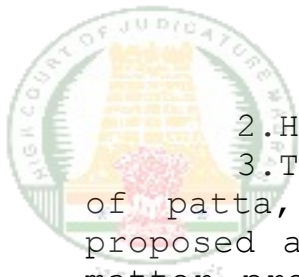
For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

The petitioner seeks for Mandamus directing the first respondent to issue patta to the petitioner for the land at Survey No.289, Marungoor Groups Village, S.P.Pattinam, Thiruvadanai, Ramanathapuram District and till then, to forbear the second respondent from disturbing the peaceful possession of the petitioner in the said property.



2. Heard both sides.

3. Though this writ petition is filed seeking for issuance of patta, in effect the petitioner is aggrieved against the proposed action of the respondents to evict him from the subject matter property by treating him as encroacher. According to the petitioner, he was not issued with any notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, so far.

4. The question as to whether the petitioner is entitled for grant of patta for the subject matter property depends upon the nature of his possession in the said property and therefore, this Court is of the view that no positive Mandamus can be issued as sought for by the petitioner, especially, when it is stated before us by the learned Additional Government Pleader that eviction proceedings will be initiated against the petitioner only by following the procedure contemplated under the Land Encroachment Act.

5. When such being the factual position, it is for the petitioner to face such proceedings as and when any notice is issued under such enactment. Therefore, recording the submissions made by the learned Additional Government Pleader, this writ petition is disposed of by directing the respondents to follow the procedures contemplated under the Land Encroachment Act, if at all if they want to evict the petitioner by treating him as an encroacher. If any notices is issued under Section 7 of the Act, it is open to the petitioner to raise all the contentions before the authorities concerned. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Thasildhar,
O/o. The Thasildhar,
Thiruvadanai Taluk,
Ramanathapuram District.

W.P. (MD) No. 12083 of 2018

27.06.2019