

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 29.07.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU**and****THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY****W.P. (MD) No.16311 of 2019****and****W.M.P. (MD) No.12968 of 2019**

Kandasamy

... Petitioner

vs.

- 1) The State represented by
The District Collector,
Tiruchirappalli.
- 2) The Revenue Divisional Officer,
Musiri,
Trichy District.
- 3) The Tahsildar,
Musiri Taluk,
Trichy District.
- 4) The Block Development Officer, (KU)
Panchayat Union,
Thathaiyengarpet,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order of the 4th respondent in Na.Ka.B2/2129/2018 dated 03.07.2019, quash the same, so far as the petitioner is concerned and direct the 3rd respondent to forbear from anyway interfering with the right of the petitioner as regards the enjoyment of the trees planted by him in S.F.No.1088/1 at Mahadevi Village and wherein respect of which he has been granted 2C patta by the third respondent.

For Petitioner

: Mr.V.Singan

For RR1 to 3

: Mr.VR.Shanmuganathan,
Special Government Pleader

For R4

: Mr.J.Gunaseelan Muthiah

O R D E R

(Order of this Court was made by **K.RAVICHANDRABAABU, J.**)

1. This Writ Petition is filed challenging the proceedings of the fourth respondent dated 03.07.2019 wherein and whereby, the petitioner and others were called upon to remove the encroachments made at S.No. 226/1 and S.No.1088/1 at Thathaiyengarpet, Mahadevi Village, Trichy District. Consequently, the petitioner seeks for a direction to the third respondent not to interfere with his right and enjoyment over the trees planted in S.No.1088/1 at Mahadevi Village, Trichy District for which he has been granted 2C patta by the respondents.

2. The case of the petitioner is that at S.No.1088/1 Mahadevi Village, he has planted thirty five(35) Coconut trees and one(01) Tamarind tree and in respect of those trees, the third respondent has granted 2C patta. It is his further case that since the said 2C patta is still in force, his possession over the said trees cannot be interfered with under the guise of issuing the impugned order, without cancelling the 2C patta. Therefore, the petitioner filed the present writ petition with the relief stated supra.

3. The learned Special Government Pleader, based on the written instructions received from the Tahsildhar, Musiri / third respondent herein, submitted that the respondents are not contemplating to remove the trees planted in S.No.1088/1 and therefore, the apprehension of the petitioner is not well founded. It is also stated by the third respondent that only when the 2C patta is cancelled, action will be taken for removal of the trees.

4. The learned counsel appearing for the petitioner submitted that in view of the categorical stand taken by the third respondent as stated supra, this Writ petition may be disposed of by recording the above statement.

5. Considering the facts and circumstances of the case, more particularly, that the claim made by the petitioner is only based on 2C patta, and further considering the submissions made by the learned Special Government Pleader appearing for the third respondent before this Court, this Writ Petition is disposed of by recording the above stand taken by the third respondent. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.12968 of 2019 is closed.

Sd/-

Assistant Registrar

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To

- 1) The District Collector,
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- 2) The Revenue Divisional Officer,
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Trichy District.
- 3) The Tahsildar,
Musiri Taluk,
Trichy District.
- 4) The Block Development Officer, (KU)
Panchayat Union,
Thathaiyengarpet,
Trichy District.

+1 CC to M/s.SPL GP (SR-78535[F] dated 30/07/2019)

Order made in

W.P. (MD) No.16311 of 2019

_KK/SAR/19.08.2019/3P-6C/