



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.17137 of 2019

Malaisamy

... Petitioner

-vs-

1. The District Collector
Sivagangai District
Sivagangai
2. The Revenue Divisional Officer
Sivagangai District, Sivagangai
3. The Tahsildar
Kalaiyarkovil Taluk
Sivagangai District
4. Kasiviswanathan
5. Udaiyar

6. Ramaiah

... Respondents

[R4 to R6 impleaded vide order dated
25.09.2019 made in W.M.P.(MD) No.16201
of 2019 in W.P.(MD) No.17137 of 2019]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to submit the detailed report as per letter dated 14.06.2019 by the second respondent within the stipulated time and further direction to the second respondent to complete the enquiry on the encroachment in survey No.449/7, 8, 450/3, 4, 7, situated at Oothikulam Village, Kalaiyarkovil Taluk, Sivagangai District, within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for R1 to R3
Mr.M.S.Jeya Karthik for R4 to R6



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the third respondent to submit a detailed report as per the communication dated 14.06.2019 sent by the second respondent, within the stipulated time and further directing the second respondent to complete the enquiry with regard to the encroachments in Survey Nos.449/7, 8, 450/3, 4, 7 of Oothikulam Village, Kalaiyarkovil Taluk, Sivagangai District.

2. It is seen that the second respondent / Revenue Divisional Officer, Sivagangai, has addressed the third respondent / Tahsildar, Kalaiyarkovil Taluk, vide communication dated 14.06.2019, to conduct an enquiry with regard to the claim made by the petitioner that Patta has been erroneously granted in favour of one Chandramohan.

3. According to the writ petitioner, the private respondents, namely, respondents 4 to 6 are encroachers and no Patta could have been granted and if Patta had been granted, the same has to be cancelled.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, by referring to the communication dated 14.06.2019, submitted that the enquiry is in progress.

5. According to the private respondents, namely, respondents 4 to 6, there is no encroachment as alleged by the writ petitioner.

6. In any event, since the revenue authorities have already seized of the matter, we deem it appropriate to direct the authorities to proceed further with the enquiry and complete the same in a full-fledged manner. From the communication, dated 14.06.2019, it is seen that a report has been called for in respect of only one survey number, namely, Survey No.449/20. But, there are other adjacent lands. Therefore, for the survey to be effective and purposeful, the third respondent should conduct an enquiry as well as survey in respect of not only Survey No.449/20, but also for Survey Nos.449/7, 449/8, 450/3, 450/4 and 450/7 of Oothikulam Village, Kalaiyarkovil Taluk, Sivagangai District. The enquiry and survey shall be conducted after notice to all concerned, including the petitioner and the respondents 4 to 6. This direction be complied with by the third respondent within a period of eight weeks from the date of receipt of a copy of this order and based on such enquiry report, orders shall be passed on merits and in accordance with law.



WEB COPY

W.P.(MD) No.17137 of 2019

7. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

+1 CC to Mr.M.RAMU, Advocate (SR-93707[F] dated 22/10/2019)
+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-93818[F] dated
23/10/2019)
+1 CC to spl.GP (SR-94080[F] dated 23/10/2019)

W.P. (MD) No.17137 of 2019

22.10.2019

KRK

MK (05.11.2019) 3P 7C