



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.09.2019
CORAM:

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

Writ Petition No.19191 of 2019

M.Louis Raj

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Divisional Office,
Usilampatti,
Madurai District.
3. The Tahsildar,
Thirumangalam Tahsildar Office,
Thirumangalam,
Madurai District.
4. Guruvammal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to remove the pipe lines fixed by the fourth respondent inside the Odai Poramboke in Survey No.38 and also to remove the encroachments made in the boundary of Odai Poramboke in Survey No.38 at Vagaikulam Village, Thirumangalam Taluk, Madurai District as per the provisions of Tamil Nadu Land Encroachment Act, 1905 and consequently to take steps to cancel the Patta for Survey No.38/2 as per the order dated 14.12.2018 in W.P.(MD).No.17815 of 2018 within a time frame as may be fixed by this Court, by considering the representation of the petitioner, dated 07.03.2019.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For R1 to R3 : Mr.A.K.Baskara Pandian
Special Government Pleader

For R4 : Mr.P.Ganapathi Subramanian



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mrs.P.Jessi Jeeva Priya, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.P.Ganapathi Subramanian, learned counsel appearing for the fourth respondent.

2. The petitioner seeks for a direction to the respondents 1 to 3 to remove the pipelines fixed by the fourth respondent inside the Odai Poramboke in Survey No.38 and also to remove the encroachments made in the boundary of Odai Poramboke in Survey No.38 at Vagaikulam Village, Thirumangalam Taluk, Madurai District, as per the provisions of Tamil Nadu Land Encroachment Act, 1905, and consequently to take steps to cancel the Patta for Survey No.38/2, as per the order dated 14.12.2018 in W.P.(MD).No.17815 of 2018, by considering the representation of the petitioner, dated 07.03.2019.

3. In the earlier writ petition filed by the writ petitioner in W.P.(MD).No.17815 of 2018, direction was issued to the third respondent herein to cancel the Patta granted in favour of the fourth respondent and in the event of Patta has been cancelled, liberty was granted to initiate eviction proceedings. So far as the encroachment is concerned, that has already been removed. However, no action has been initiated in respect of the cancellation of the Patta. There is also a pipeline laid through the Odai.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 on instructions would submit that the Tahsildar, Thirumangalam will take expeditious action in this regard.

5. It appears that because this Court, in the earlier writ petition, did not fix any time limit for the Tahsildar to take action for cancellation of the Patta. There has been no positive move in that regard. Therefore, we dispose of this writ petition by directing the third respondent to take appropriate legal steps for cancellation of Patta, after notice to the fourth respondent and giving full opportunity of hearing to the fourth respondent and pass a reasoned order on merits and in accordance with law. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //



To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Divisional Office,
Usilampatti,
Madurai District.

3.The Tahsildar,
Thirumangalam Tahsildar Office,
Thirumangalam,
Madurai District.

+1 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-90600[F] dated
01/10/2019)

+1 CC to SPL GP (SR-90859[F] dated 01/10/2019)

Writ Petition No.19191 of 2019

30.09.2019

AKV

MK (31.10.2019) 3P 6C