



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.18726 of 2019

Lakshmanan

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Thriumangalam,
Madurai District.

4.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

5.Natarajan

6.Amsavalli

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent Nos.1 to 4 to remove the encroachment made by the fifth and sixth respondents at village public cart track in survey No.166/1 situated at Thanakankulam Village, Thirupparankundram Taluk, Madurai District.

For Petitioner : Mr.S.A.Ajmal Khan

For R1 to R4 : Mr.A.K.Baskara Pandian
Special Government Pleader

For R5 : No Appearance

For R6 : Mr.R.Thangapandian



ORDER

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

Heard Mr.S.A.Ajmalkhan, learned counsel for the petitioner Mr.A.K.Baskara Pandian, learned Special Government Pleader, for the respondents 1 to 4, and Mr.R.Thangapandian, learned counsel for the sixth respondent.

2. This writ petition has been filed praying for a direction upon the respondents 5 and 6 to remove the encroachments in the cart track in Survey No.166/1.

3. It is not in dispute that the property in Survey No.166/1 is a large extent of land and it is a Government property. Portion of the land has been granted for assignment to landless poor. One such beneficiary is the sixth respondent. The allegation is that the sixth respondent is in possession of more than what has been assigned to him and there is an encroachment of more than one cent and the encroachment is in cart track. The petitioner has given a representation in this regard.

4. The learned counsel for the sixth respondent would submit that the possessory patta was granted in November, 2009 and the petitioner has also moved for grant of regular patta. It is further submitted by the learned counsel for the sixth respondent that the responsible Revenue Officials have recommended his case and as of now, it is under active consideration of the District Revenue Officer.

5. It is not clear as to what is the turn out of its recommendation. The larger question would be whether at all the Tahsildar can make such recommendation for grant of patta in respect of the land classified as cart track.

6. Be that as it may, if the sixth respondent has been granted possessory assignment and based on that patta has been granted by the Government, to that extent, the sixth respondent's possession can be protected and nothing beyond what has been assigned in favour of the sixth respondent. The same would equally apply to the fifth respondent also.

7. Therefore, we direct the fourth respondent to conduct survey of the area after notice to the petitioner, the fifth and sixth respondents and all other persons, who are occupying the assigned land, clearly demarcate the cart track and if there is any encroachment, the encroachers should be granted reasonable time to remove the encroachment by themselves, failing which the fourth respondent shall initiate action in accordance with law. The above exercise shall be completed within a period of twelve weeks from the



date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Thriumangalam,
Madurai District.
- 4.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

+1CC TO MR.S.A.AJMAL KHAN, Advocate Sr. No.97791
+1CC TO MR.R.THANGAPANDIAN, Advocate Sr. No.97634
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 98071

W.P(MD)No.18726 of 2019
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