



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.19263 of 2019

Motcham

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Collectorate Complex,
Virudhunagar.

2.The Tahsildar (Revenue),
O/o,the Tahsildar,
Watrap,
Virudhunagar District.

.. 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 first respondent to consider and pass appropriate order as per the representation dated 19.12.2018 submitted by the petitioner.

For Petitioner : Mr.M.Ashok Kumar

For Respondents : Mr.A.K.Basakara Pandian
Special Government Pleader

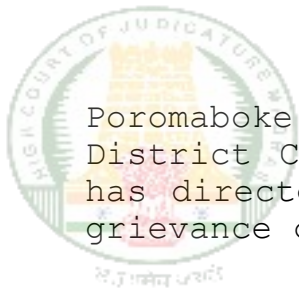
ORDER

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

Heard Mr.M.Ashok Kumar, learned counsel appearing for the petitioner, Mr.A.K.Basakara Pandian, learned Special Government Pleader, appearing for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal.

3. The petitioner by way of this writ petition seeks a direction upon the first respondent to consider and pass appropriate orders on her representation dated 19.12.2018. The petitioner claims that her father was a cultivating tenant in respect of a property in survey No.851/3B, measuring 3 acres 5 cents in W.Pudupatti Village, Watrap Sub Division, Srivilliputhur Taluk. The allegation is that there are encroachers, who have encroached in



Poromaboke land. In this regard a representation was given. The District Collector, Virudhunagar District by memo dated 24.12.2018 has directed the Revenue Tahsildar, Srivilliputhur to look into the grievance of the petitioner in this writ petition.

4. The owner of the land under whom the petitioner claims to be a cultivating tenant has not been impleaded. It is submitted that the land owner is no more. The petitioner has not clearly stated that under whom the petitioner is a cultivating tenant. That apart, the encroachers have not been impleaded.

5. The reply by the learned counsel for the petitioner is that there are several encroachers, if that is so, atleast the petitioner should have taken steps to implead few of the encroachers. Considering all these facts, we cannot issue any positive direction in this writ petition. Accordingly, this writ petition is dismissed. However, we permit the petitioner to pursue her remedy before the Tashildar. No costs.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Collectorate Complex,
Virudhunagar.

2.The Tahsildar (Revenue),
O/o,the Tahsildar,
Watrap,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-85559[F] dated 06/09/2019)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-85568[F] dated 06/09/2019)

ORDER MADE IN
W.P (MD) No.19263 of 2019
05.09.2019

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JM/23.09.2019/2P/5C