



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P.(MD).No.19340 of 2019

and

W.M.P.(MD).No.15777 of 2019

Marimuthu Kumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.

3.The Revenue Inspector,
Pannikudu Phirka,
Thirumangalam
Madurai District.

... Respondents

PRAYER:This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the proceedings issued by the 2nd respondent, dated 10.07.2019 under Section 6 of the Tamil Nadu Encroachment Act, 1905 and quash the same and consequently direct the respondents to issue patta in respect of 13 sq.ft of excess land situated at Veerapatti Village, Mathipanoor Post, Thirumangalam Taluk, Madurai District.

For Petitioner : Mr.B.Santhanam Rajeshkumar

For Respondents : Mr.M.Murugan
Government Advocate



O R D E R

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

Heard Mr.B.Santhanam Rajeshkumar, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

2. The petitioner has impugned an order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 on the ground that only an extent of 13 Sq.ft, which is the Government land, has been occupied for the purpose of putting up construction. It is submitted that the petitioner is serving in the Indian Army and posted in Kashmir and there is no prejudice caused to anybody and the entire eviction proceedings has been initiated at the behest of one C.Pandian, who had filed a suit before the District Munsif Court, Thirumangalam.

3. The learned Government Advocate has produced the sketch from which it is seen that the entire road area, which is shown in brown colour, has been encroached and there is a narrow foot pathway alone is in existence, which will be detrimental to the interest of public in the local area, as in the case of emergency an Ambulance cannot pass through this small passage. The petitioner does not dispute the encroachment, but to plead that it is a meager encroachment and it should not be removed.

4. In this regard, the learned counsel appearing for the petitioner placed reliance on the decision in the case of State of Tamil Nadu Vs. Madasami and Others reported in (2012 (2) CTC 315). This decision is to support the case in respect of Gramanatham lands. Unfortunately, the decision will not help the petitioner because the area which has now been encroached is earmarked as a road. Therefore, we find absolutely no grounds to interfere with the impugned orders.

5. For the reasons stated above, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.

3.The Revenue Inspector,
Pannikudu Phirka,
Thirumangalam
Madurai District.

+1 CC to M/s.B,SANTHANAM RAJESHKUMAR, Advocate (SR-85829[F] dated 09/09/2019)

+1 CC to M/s.GP (SR-85897[F] dated 09/09/2019)

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