



WEB COPY

W.P.(MD).No.19392 of 2019

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.19392 of 2019

and

W.M.P. (MD) .No.15833 of 2019

Pushpavalli

... 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 second respondent dated 10.7.2019 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and to quash the same and consequently to direct the respondents to issue patta in respect of 4 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, who accepts notice on behalf of the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>



2.By consent of either side, this writ petition is taken up for disposal.

3.It is submitted by the learned counsel for the Petitioner that the encroachment made by the Petitioner is very meagre and it is only about 3 sq.ft.

4.On the contrary, the learned Government appearing for the respondents submitted that the encroachment made by the Petitioner is about 106 sq.ft. However, we are not concerned about the extent of encroachment, but about the factum of encroachment. The extent of encroachment does not in any manner will legalise the encroachment. Therefore, We have no other option except to reject the claim of the Petitioner.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

SD

ASSISTANT REGISTRAR ( CO )

TRUE COPY

SUB ASSISTANT REGISTRAR ( CS IV )

vsn

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.

1CC TO MR. B.SANTHANAM RAJESHKUMAR, ADVOCATE SR 85828

1CC TO THE SPL GOVT PLEADER SR 85893

JMN  
9/9/2019  
2P/6C

**W.P. (MD) .No.19392 of 2019**  
**and W.M.P. (MD) .No.15833 of 2019**  
**06.09.2019**