



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.15821 of 2015

and M.P.(MD).No.1 of 2015

WEB COPY

P.Chinnathurai

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to consider petitioner's representation, dated 18.08.2015 and to give patta to petitioner's house property in Door No.1/162, situated in Survey No.122 at Vadukapatti, Srivilliputtur Taluk, Virudhunagar District by considering petitioner's 30 years enjoyment over the same within the time stipulated by this Court.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents: Mr.C.Ramar

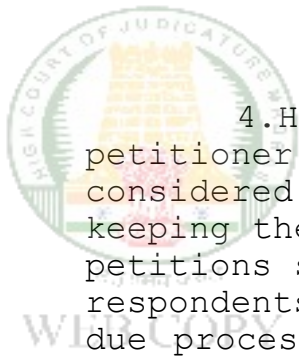
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for issuing a writ of mandamus to direct the second respondent to consider the petitioner's representation, dated 18.08.2015 and to give patta for the house site, in which the petitioner has put up a building.

2.It is the case of the petitioner that he is residing in the land in S.No.122 in Vadakupatti Village, Srivilliputtur Taluk, Virudhunagar District, for more than 30 years and that he does not have any other land except the poramboke land in S.No.122. Based on his enjoyment, the petitioner has given a representation to the Tahsildar to give him patta for the land in S.No.122.

3.The learned Additional Government Pleader, produced before this Court, the Certificate issued by the Village Administrative Officer, indicating that the land in S.No.122 in Vadkkupatti Village is a odai poramboke (water body) and its total extent is 4.85.5 hectares. It is also stated that the petitioner has only put up a shed for goats and he is not residing there in, where a small hut alone is put up by him. It is further stated that the petitioner died about three years back. The counsel for the petitioner has no instructions regarding the death of the petitioner.



4.Having regard to the fact that the land in which the petitioner seeks patta is a water body, his representation cannot be considered. Even if the petitioner or any one claiming under him is keeping the land, as per the direction of this Court in several writ petitions such encroachments ought to have been removed. Hence, the respondents are directed to remove the encroachment after following due process of law. In case, it is found by the respondents that the land in the occupation of petitioner is not a water body and the petitioner is entitled to the benefits of any Government order, the petitioner's representation can be considered in terms of such Government order.

5.Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

+1CC TO Spl.Govt.Pleader, sr.no.103994

W.P.(MD).No.15821 of 2015
06.12.2019

SMA/06/01/2020/2P/4C