



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.23558 of 2019

and

W.M.P (MD).No.20179 of 2019

S.Rathinam

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Srivilliputhur, Virudhunagar District.

4.Niraipandian

5.Karthi

6.Mahesh

7.Pandi

8.Mariappan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 8 upon the land of the extent of 0.28 ares comprised in New Survey Nos.462/Part, 462/16, 462/18 and 462/21, Old Survey No.35 as per 1375th Fasali of Atchankulam Village, Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.A.K.Baskarapandian (for R1 to R3)
Special Government Pleader

O R D E R

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

Heard Mr.A.Balaji, learned counsel appearing for petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for respondents 1 to 3.



2.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner by way of this writ petition seeks for a direction upon the authorities to remove the encroachments made by the respondents 4 to 8 in the lands comprised in New Survey Nos.462/Part, 462/16, 462/18 and 462/21, Old Survey No.35 as per 1375th Fasali of Atchankulam Village, Srivilliputhur Taluk, Virudhunagar District.

4.The petitioner's case is that initially patta was granted in respect of said lands which is classified as 'Natham' and upon objection being raised, the Sub-Collector, Sivakasi, by order dated 07.06.1995, has cancelled those pattas. Though such orders of cancellation were passed and they have attained finality, till date revenue records have not been mutated and the lands have not been restored as 'Natham'. In this regard, the petitioner has also given a representation which has been forwarded by the District Revenue Officer, Virudhunagar to the Revenue Divisional Officer, Sivakasi by memo dated 23.09.2019.

5.If the pattas have already been cancelled in the year 1995 itself and the orders have become final, the authority have to definitely take further action pursuant to such cancellation and they need not wait for any representation to be given nor wait for any direction to be issued by this Court, because it is the official duty of the Tahsildar to implement the order of the Sub-Collector dated 07.06.1995. The learned counsel for the petitioner submits that gradually private respondents and others are putting up fence and encroaching into the property.

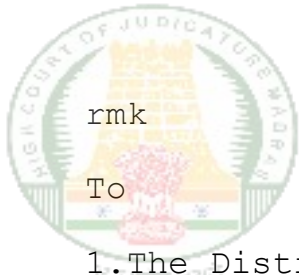
6.Since we are disposing of this writ petition without notice to the respondents 4 to 8, we do not issue any positive direction against them in this writ petition. However, we direct the third respondent to take further proceedings pursuant to the order passed by the Sub-Collector dated 07.06.1995 and effect necessary mutation and then, if it is found that there is any encroachment by any party, then notice should be given to those parties and opportunity should be given to them, then action be initiated in accordance with law. The above direction shall be complied with within a period of four months from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //



1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Srivilliputhur, Virudhunagar District.

+1CC TO MR.A.BALAJI, Advocate Sr. No. 96760

R. THARANI, J.

rmk

Writ Petition (MD).No.23558 of 2019

07.11.2019

SCR(CO)

TR(22.11.2019) 3P 5C