



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

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

and

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

Writ Petition (MD).No.25062 of 2019

and

W.M.P(MD) .Nos.21658 and 21659 of 2019

Ponnusamy

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Sub-Collector,
Sri Rangam Division,
Vannankoil,
Trichy District.

3.The Tahsildar,
Marungapurai Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the proceedings of the second respondent in %.%m3-5248-2018 dated 06.11.2019 and quash the same and direct the respondents to issue patta to the petitioner for survey No.441/9 for 1 ½ cent by considering his representation dated 19.10.2016 and 12.12.2018.

For Petitioner

: Mr.M.Pitchai Muthu

For Respondents

: Mr.A.Muthukaruppan

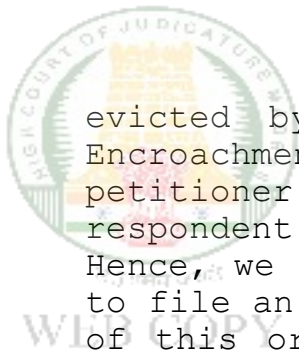
Additional Government Pleader

O R D E R

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

Heard Mr.M.Pitchai Muthu, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

2.The petitioner seeks to quash the order passed by the second respondent/Sub-Collector, Sri Rangam Division, by which, request made by the petitioner for grant of patta has been rejected and the petitioner has been declared as an encroacher and directed to be



evicted by resorting to the provision of the Tamil Nadu Land Encroachment Act, 1905. As against the impugned order, the petitioner has an effective remedy of appeal before the first respondent. Therefore, the petitioner should avail the said remedy. Hence, we dispose of this writ petition by directing the petitioner to file an appeal within ten days from the date of receipt of a copy of this order. If such an appeal is filed, the first respondent shall entertain the same without rejecting the same on the ground of limitation. The said appeal shall be heard and disposed of expeditiously preferably within a period of three weeks from the date on which the appeal is presented. Till the disposal of the appeal, status quo which is prevailing as on date in respect of the land in question shall be maintained with the condition that the appellant shall not alter a physical feature nor create any encumbrance on the property.

3. In view of the above, this Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1. The District Collector,
Trichy District, Trichy.
2. The Sub-Collector,
Sri Rangam Division,
Vannankoil, Trichy District.
3. The Tahsildar,
Marungapurai Taluk,
Trichy District.

+1 CC to SPL GP (SR-101980[F] dated 27/11/2019)

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VB(18.12.2019) 2P 5C