



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8124 of 2020

and

W.M.P. (MD)No.7544 of 2020

Ammasi

... Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai.

3.The Tahsildar,
Pudukottai Taluk,
Pudukottai District.

4.The Executive Officer,
Perungalur Village Panchayat,
Pudukottai District.

5.Karuppiah

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to conduct a detail enquiry relating with the land in S.No.732/1 in Perungalur Village and to cancel the patta No.3728 issued in favour of the fifth respondent forthwith in view of the road laid therein on the behest of village people and in their usage.

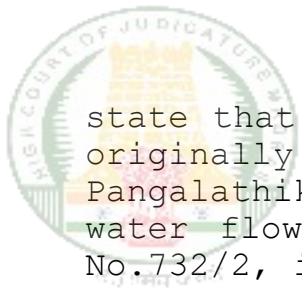
For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1 to R.3
: Mr.C.M.Mari Chellaiah Prabhu
for R.4

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner claims to be a resident of Lakshmipuram, Perungalur Village, Pudukottai District and he is eking his livelihood as an agricultural coolie. The petitioner would further



state that the lands comprised in Survey No.732/1 in Perungalur was originally a channel lead to Manavathikulam, Panirendankulam, Pangalathikulam and Kattapatti Pudukulam and since there was no water flow, it became dry bed and along with the land in Survey No.732/2, it became a public road vested with the fourth respondent.

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2. It is the specific case of the petitioner that the fifth respondent is taking advantage of the classification of Survey No.732/2 as "Natham", managed to get patta in his name, concealing the real fact that it is a road at present and in this regard, the petitioner and other residents raised their objections and that apart, the petitioner has submitted a representation dated 08.07.2019 to the first respondent, copies marked to the official respondents and prays for appropriate orders.

3. The office of the Revenue Divisional Officer, Pudukottai, vide memo dated 17.07.2019, in Na.Ka.A1/3656/2019, after taking note of the representation of one Rajendran dated 01.07.2019, has directed the third respondent to look into the matter and take appropriate action for removal of encroachment and inform the same to the petitioner as well as to the office of the Revenue Divisional Officer. The learned Counsel appearing for the petitioner would submit that despite the said communication, nothing is moving forward and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. This Court heard the rival submissions and also perused the materials placed before this Court.

5. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances, without going into the merits of the representation as well as the writ petition, directs the respondents 2 to 4 to put the fifth respondent or other encroachers on notice and take appropriate action in accordance with law and also adhering the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the fifth respondent.

6. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

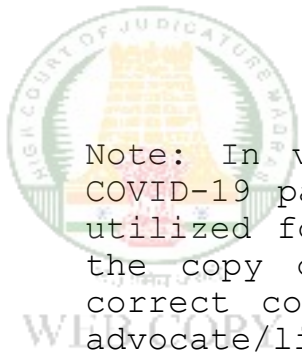
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai.

3.The Tahsildar,
Pudukottai Taluk,
Pudukottai District.

4.The Executive Officer,
Perungalur Village Panchayat,
Pudukottai District.

+1 CC to M/s.R. SURIYANARAYANAN, Advocate (SR-13345[F] dated 30/07/2020)

W.P. (MD)No.8124 of 2020

and

W.M.P. (MD)No.7544 of 2020

28.07.2020

SSL

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