



WEB COPY

W.P.(MD)No.11381 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.11381 of 2020

Muthazhagan

... Petitioner

Vs.

- 1.The State represented by
The District Collector,
Collectorate, Trichy.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy.
- 3.The Tahsildar,
Taluk Office, Thiruverumbur.
- 4.The Executive Engineer,
Water Resource Organisation,
Public Works Department,
River Conservancy Division,
Trichy.

5.Anusuya

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the patta No.51 in the name of the fifth respondent and consequently, direct the respondents 1 to 4 to evict the encroachment made by the fifth respondent in S.F.Nos.445/1A1, 445/1A2, 445/1B and 445/2 and western bund of Vaikkal situated in Valavantankottai Village, Thiruverumbur Taluk, Trichy District, on the basis of the petitioner's representation, dated 05.08.2020 within the time frame fixed by this Court.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.B.Bagavathi
Government Advocate for R.1 to R.4

* * * * *



ORDER

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

The petitioner claims to be a resident of Brindavan Nagar, Uppukkara Street, Mannargudi, Thiruvarur District and according to him, vide registered sale deed dated 06.02.2020, he purchased a piece of land in Punja S.F.No.4/4A of Thuvakkudi Village, Thiruverumbur Taluk, Trichy District, admeasuring 2 acres 18 Cents and patta was also issued vide Patta No.1611. The petitioner would state that he purchased the said land for agricultural purpose as there is a waterway adjacent to the said land and it is maintained by the fourth respondent.

2. It is the specific case of the petitioner that the only access to reach his land is from the main road through a pathway situated in S.F.No.445 which has been originally classified as Government poramboke and later on, sub-divided as S.F.Nos.445/1A1, 445/1A2, 445/1B and 445/2. It is the further case of the petitioner that one Lakshmi managed to get patta in respect of the lands in S.F.Nos.445/1A1 and 445/1A2 and alienated the same in favour of the fifth respondent and however, the lands in S.F.Nos.445/1B and 445/2 remain with the Government. The fifth respondent, taking advantage of the said fact, put up a compound wall and encroached the said lands and also denied access of the petitioner to reach his land.

3. It is also the case of the petitioner that the fifth respondent is a rank encroacher and pointing out the said factual aspects, submitted a representation dated 05.08.2020 to the respondents 1 to 4 and despite receipt and acknowledgment, no steps have been taken to address the grievance of the petitioner and hence, came forward to file this writ petition.

4. Learned Counsel for the petitioner would also submit that the fifth respondent has been granted patta in respect of the lands S.F.Nos.445/1A1 and 445/1A2 in Patta No.51, admeasuring to an extent of 0.8.32 Ares and 0.92.65 Ares respectively.

5. Heard the submissions of Mr.B.Bagavathi, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances of the case, without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the third respondent - the Tahsildar, Thiruverumbur, Trichy District, to put the petitioner as well as the fifth respondent on notice and thereafter, if the fifth respondent submits any response, consider the same along with the representation of the petitioner, dated 05.08.2020 and dispose of the same on merits and in accordance with law and complete the entire 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.

7. This writ petition stands disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

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,
Collectorate, Trichy.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy.
3. The Tahsildar,
Taluk Office,
Thiruverumbur.
4. The Executive Engineer,
Water Resource Organisation,
Public Works Department,
River Conservancy Division,
Trichy.

+1 CC to the SPL GP (SR-16773[F] dated 14/09/2020)

W.P. (MD) No.11381 of 2020
11.09.2020

CS(18.09.2020) 3P 6C