



WEB COPY

W.P.(MD)No.12758 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.12758 of 2020

and

W.M.P(MD)No.10836 of 2020

C.Asokan

... Petitioner

Vs.

1. The District Collector,
Sivagangai,
Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.
4. John
5. Amburose
6. Thairiya Royar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 3 herein from issuing patta in respect of old Survey No.87/2 and subsequently, re-surveyed as new Survey No.246/2 in Kattanur Village, Ilayankudi Taluk, Sivagangai District, in favour of the respondents 4 to 6 herein or any other persons.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.K.P.Krishnadoss

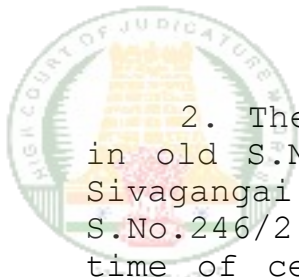
Special Government Pleader for R.1 to R.3

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ORDER

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

The petitioner claims to be a practising Advocate at Devakottai and according to the learned Counsel for the petitioner, the petitioner is not an encroacher upon any land belonging to the Government and the said submission, on instructions, is placed on record.



2. The grievance expressed by the petitioner is that the land in old S.Nos.87/2 and 87/4 of Kattanur Village, Ilayankudi Taluk, Sivagangai District, got resurveyed and were assigned with new S.No.246/2 and 246/4. The petitioner would further aver that at the time of celebration of *Puravi Yeduppu* festival in Sri Shenbagathu Ayyanar Temple, the devotees used to assemble in the land in new S.No.246/2 and put up temporary shops and becoming aware of the fact that steps are being taken to grant patta in respect of new S.No.246/2 in favour of private respondents, submitted the representations dated 23.06.2017, 20.07.2018 and 03.08.2020, to the concerned official respondents and despite directions have been issued by the concerned officials to their subordinates to take appropriate action, nothing is moving forward and hence, came forward to file this writ petition.

3. Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and invited the attention of this Court to the communication of the third respondent, vide Roc.A11/2502/2020, dated 26.09.2020, addressed to the Office of the Special Government Pleader, Madurai Bench of Madras High Court, Madurai as well as the report submitted by the Village Administrative Officer, Kattanoor Revenue Village, Ilayankudi Taluk, Sivagangai District, dated 25.09.2020 and would submit that the land in new S.No.246/2 is admeasuring to an extent of 0.03.94 Hectares which is classified as Government poramboke and it is still vacant and free from encroachment and there is no proposal to grant patta in respect of the said land for the reason that it is likely to be used for future Government works, if any.

4. It is the submission of the learned Special Government Pleader appearing for the respondents 1 to 3 that in the light of the communication of the third respondent, dated 26.09.2020, the apprehension expressed by the petitioner is wholly unfounded and prays for the dismissal of this writ petition.

5. This Court has considered the rival submissions and perused the materials placed on record.

6. The above said communication of the third respondent, dated 26.09.2020 addressed to the Office of the Special Government Pleader, Madurai Bench of Madras High Court, Madurai as well as the report submitted by the jurisdictional Village Administrative Officer, dated 25.09.2020, would disclose that as of now, the land in new S.No.246/2 admeasuring an extent of 0.03.94 Hectares lies vacant and there is no proposal whatsoever either to assign/grant patta in favour of the persons including the private respondents. However, the respondents 2 and 3 are directed to cause inspection and monitor at regular intervals that there are no encroachments on the said lands in question.



7. In the light of the stand taken by the third respondent, no further orders are necessary in this writ petition and accordingly, this writ petition stands closed. No costs. Consequently, the connected writ miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Records)

// 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,
Sivagangai,
Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

+1 CC to Mr.T.PON RAMKUMAR, Advocate SR-18184.

+1 CC to the SPL GP SR-18399.

W.P. (MD)No.12758 of 2020

and

W.M.P (MD)No.10836 of 2020

28.09.2020

(CO)

CS(06.10.2020) 3P 6C