



WEB COPY

W.P(MD)No.14888 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14888 of 2020

M.Moorthy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.The Zonal Deputy Tahsildar,
Sakkottai,
Sivagangai District.

5.Chitra

6.Pandiselvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the second respondent to conclude the enquiry of his proceedings in Na.Ka.No.A2/4943/2020 for cancellation of patta issued to the 5th and 6th respondents and consequently remove the encroachment made by the 5th and 6th respondents in S.No.239/30 situated at Thiruvelankudi Group, Karaikudi Taluk within a time frame stipulated by this Court.

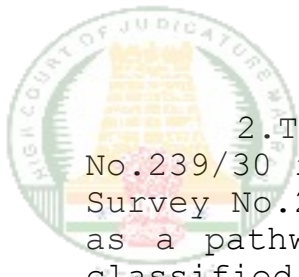
For Petitioner	:	Mr.V.Perumal
For Respondent	:	Mr.R.Murugan,
Nos.1 to 4		Additional Government Pleader
R5 & R6	:	Notice Dispense with

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner has approached this Court seeking a writ of mandamus, to direct the second respondent to conclude the enquiry for cancellation of patta issued to the 5th and 6th respondents in respect of S.No.239/30, situated at Thiruvelankudi Group, Karaikudi Taluk within a time frame stipulated by this Court.

<https://hcservices.courts.gov.in/hcservices>



2.The petitioner contends that the property in Survey No.239/30 is abutting the petitioner's property, which is located in Survey No.239/29. Survey No.230/30 has been enjoyed by the villagers as a pathway to an extent of 30 - 35 Feet. Survey No.230/30 is classified as a Government Poramboke as per the revenue records.

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3.While so, Survey No.230/30 has been divided into two parts by the authorities and 5th and 6th respondents were given pattas under the Free Assignment Scheme on 23.11.2017. Therefore, the petitioner along with others, made a complaint to the 2nd respondent to cancel the patta issued in favour of the 5th and 6th respondents and to remove the construction made by them in the said property, i.e., Survey No.230/30, which has been sub divided as Survey Nos. 239/40 and 239/41.

4.Based on the complaint of the petitioner, the 2nd respondent issued a direction, vide Memo in Na.Ka.B2/4943/2020, dated 03.08.2020 to the 3rd respondent to conduct a field inspection and to conduct an enquiry in respect of the pattas issued in favour of the 5th and 6th respondents and such an enquiry is sought to be expedited in this writ petition.

5.Since 5th and 6th respondents are private individuals, notice to them is not necessary at this stage and as no order is going to be passed against the 5th and 6th respondents, notice to them is dispensed with.

6.Heard V.Perumal, learned Counsel appearing for the petitioner and Mr.R.Murugan, learned Additional Government Pleader appearing for the respondents 1 to 4.

7.Taking into consideration the Memo dated 03.08.2020 issued by the 2nd respondent to the 3rd respondent based on the petitioner's complaint to cancel the patta issued in favour of the 5th and 6th respondents, it would be appropriate to direct the 4th respondent to conclude the enquiry and pass appropriate orders, after putting the necessary parties on notice within a period of two weeks from the date of receipt of a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

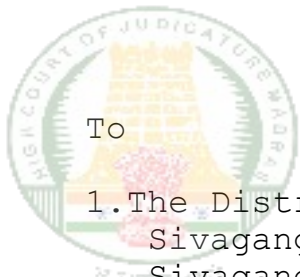
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
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Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.The Zonal Deputy Tahsildar,
Sakkottai,
Sivagangai District.

+1 CC to M/s.GP (SR-20722[F] dated 29/10/2020)

+1 CC to M/s.V.PERUMAL, Advocate (SR-20676[F] dated 29/10/2020)

W.P (MD) No.14888 of 2020
28.10.2020

MR (CO)
AP (27/11/2020) 3P 7C