



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.18373 of 2020

K.Ramanathan

... Petitioner

Vs.

- 1.The Secretary to Government,
(Rural Department & Panchayat Raj Department),
Chief Minister Cell,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Collectorate, Sivagangai.
Sivagangai District.
- 3.The Director / Commissionerate,
Municipalities and Panchayat Administration,
11th FLR, Urban Administrative BLDG,
(Opp CIBA BLDG),
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
- 4.The Assistant Director,
Administration of Town Panchayat & Union Offices,
Sivagangai, Sivagangai District.
- 5.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
- 6.The Executive Officer,
Nerkuppai Town Panchayat Office,
Nerkuppai, Sivagangai District.
- 7.SP.NT.Ramanathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents 2 to 6 herein to remove the illegal encroachment and unauthorised construction made by the 7th respondent in Survey No.531/18, now sub divided as Survey No.531/22, situated at Sivan Koil Street, Nerkuppai Group and Village, Tiruppathur Taluk, Sivagangai District, based on the petitioner's representations dated 22.03.2019 and 03.11.2020 respectively within a stipulated time fixed by this Court.



For Petitioner
For Respondent
Nos.1 to 5
Fore Respondent
No.6

: Mr.S.Muthu Kumar
: Mr.K.Mu.Muthu,
Additional Government Pleader
: Mr.G.Arjunan,
Government Advocate

WEB COPY

ORDER

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

This Writ Petition has been filed seeking a writ of mandamus, directing the respondents 2 to 6 to remove the illegal encroachment and unauthorised construction made by the respondent 7, in Survey No.531 of 2018, now sub divided as Survey No.531/22, situated at Sivan Koil Street, Nerkuppai Group and Village, Tiruppathur Taluk, Sivagangai District.

2.The petitioner would contend that the 7th respondent has encroached his property to an extent of two cents and has put up construction unauthorisedly. The 7th respondent is having property worth about more than one crore rupees. The official respondents have given free assignment patta to the 7th respondent, to extent of 3 cents of land, which is in violation of the conditions for giving free assignment patta. In this regard, the petitioner has given representations, dated 22.03.2019 and 03.11.2020 respectively to the official respondents. Since no action has been taken on the petitioner's representations, he has approached this Court.

3.Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the petitioner has already filed a writ petition in W.P(MD)No.16451 of 2020 for speedy disposal of the appeal filed by him before the District Revenue Officer, Sivagangai, in respect of cancellation of patta given to the 7th respondent and this Court, by order dated, 23.11.2020, has issued directions for expeditious disposal of the appeal filed by the petitioner.

4.From the records, it is evident that the petitioner and the 7th respondent are having some disputes and according to the petitioner, the 7th respondent has encroached the petitioner's property. Therefore, the remedy available for the petitioner is to approach the appropriate civil forum.

5.That apart, the petitioner has already initiated proceedings for cancellation of patta given to the 7th respondent, which is now pending at an appeal stage before the District Revenue Officer, Sivagangai, who has already been directed by this Court to dispose of the appeal expeditiously. Under such circumstances, the relief to declare the 7th respondent as an encroacher cannot be granted by this Court.



6.However, if the free assignment given to the 7th respondent is in violation of the conditions, it is always open to the respondents, to consider the petitioner's representations, dated 22.03.2019 and 03.11.2020 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Secretary to Government,
(Rural Department & Panchayat Raj Department),
Chief Minister Cell,
Fort St.George, Chennai - 600 009.
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- 6.The Executive Officer,
Nerkuppai Town Panchayat Office,Nerkuppai, Sivagangai District.

+1 CC to M/s.S.MUTHU KUMAR, Advocate (SR-25649[F] dated 16/12/2020)

+1 CC to M/s.SPL GP (SR-25758[F], SR-26019[F] dated 16/12/2020)

W.P(MD)No.18373 of 2020

15.12.2020

VR(CO)

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