



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2021

CORAM

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**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD)No.1330 of 2021

and

W.M.P. (MD)Nos.1106 and 1218 of 2021

A.Simson

... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Collectorate, Nagercoil,
Kanniyakumari District.

3.The Tahsildar,
Thovalai,Residence at,
Taluk Office, Boothapandi,
Kanyakumari District.

4.The Regional Deputy Tahsildar,
Thovalai, Residence at
Taluk Office, Boothapabndi,
Kanyakumari District.

5.The Revenue Inspector,
Thovalai,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Order vide Na.Ka.No.M3/34883/2018 dated 13.11.2019 passed by the 1st Respondent and quash the same as illegal and subsequently, direct the 1st Respondent to grant patta to Petitioner for the land of 0.00.50 Hectare in Survey No.174/24 or in any other suitable place in Aralvaimozhi South Village, Thovalai Taluk.



For Petitioner : Mr.V.Rajiv Refus
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

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ORDER

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

The petitioner has come forward to challenge the impugned order in Na.Ka.No.M3/34883/2018, dated 13.11.2019, by which, his request for continuing in the encroached portion was rejected, apart from holding that he cannot be given a patta, as he is having another house, in which, he is residing and his premises was misused contrary to the conditions by using the land for industrial purpose instead of residing.

2.Learned counsel for the petitioner submitted that the order is liable to be set aside as the place in which he is residing belongs to his wife.

3.Learned Additional Government Pleader appearing for the respondents submitted that possession has been taken by the respondents in pursuant to the impugned order and a Primary Health Centre has been constructed by the Social Welfare Department in that place.

4.We do not find any merit in the case of the petitioner as the petitioner admittedly violated the conditions by running an industry instead of putting up a house. Secondly, there is no difference in residing in the house owned by his wife or himself. Further, the petitioner has been evicted and a construction has been put up by the Social Welfare Department.

5.In view of the above, the Writ Petition stands closed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

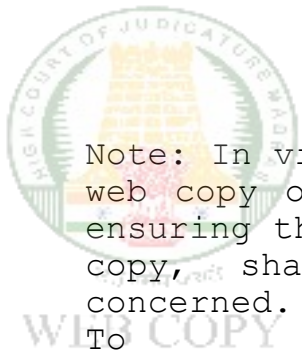
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar



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,
Kanniyakumari District,
Nagercoil.
- 2.The Revenue Divisional Officer,
Collectorate,Nagercoil,
Kanniyakumari District.
- 3.The Tahsildar,
Thovalai,Residence at,
Taluk Office, Boothapandi,
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- 4.The Regional Deputy Tahsildar,
Thovalai,Residence at
Taluk Office, Boothapabndi,
Kanyakumari District.
- 5.The Revenue Inspector,
Thovalai, Kanyakumari District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.2350 & 2412

W.P. (MD)No.1330 of 2021
27.01.2021

SJ

MS/05.02.2021/3P.7C