



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

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THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.5091 of 2021

Haridass

...Petitioner

-Vs-

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.Ramakrishnan

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to cancel the patta granted in favour of the 4th respondent and remove the encroachments situated in S.Nos.15/1, 15/2, 15/3, 16/1 & 16/2 in Puliur Kanmai, Thiruvadanai Taluk, Ramanathapuram District within the time stipulated by this Court on the basis of the petitioner's representation dated 04.11.2020.

For Petitioner : Mr.G.Thiruvarutselvan

For Respondents : Mr.K.P.Krishnadoss,

Spl. Govt. Pleader for R1 to R3

Mr.RM.Arun Swaminathan for R4

ORDER



[Order of the Court was made by **T. S. SIVAGNANAM, J.,**]

The petitioner by way of this Writ Petition, seeks for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to cancel the patta granted in favour of the 4th respondent and remove the encroachments situated in S.Nos.15/1, 15/2, 15/3, 16/1 & 16/2 in Puliur Kanmai, Thiruvadanai Taluk, Ramanathapuram District within the time stipulated by this Court on the basis of the petitioner's representation dated 04.11.2020.

2. Heard Mr.G.Thiruvarutselvan, learned counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader, appearing for respondents 1 to 3 and Mr.RM.Arun Swaminathan, learned counsel appearing for the fourth respondent.

3. The petitioner would state that the fourth respondent has encroached the Government land and therefore, the patta granted to him should be cancelled.

4. The fourth respondent, on the other hand, would submit that he is a purchaser of the property in the year 2011 and patta has been granted.

5. The Thasildar, Thiruvadanai, has given written instructions to the learned Special Government Pleader vide letter dated 20.04.2021, wherein they confirmed that the fourth respondent is a purchaser of the property and the petitioner has signed as one of the attesting witnesses in the sale deed. Be that as it may, the fourth respondent has filed a writ petition in W.P.(MD)No.6047 of 2021, for survey of the property in question and the writ petition has been disposed of by the learned single Bench, vide order dated 16.04.2021, directing survey to be conducted.

6. In the light of the above, the concerned authority is directed to conduct a survey, after notice to the petitioner and the fourth respondent and pass orders on merits and in accordance law, as expeditiously as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

vsm
To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-17755[F] dated 27/04/2021)

W.P. (MD)No.5091 of 2021

26.04.2021

GS (18.06.2021) 3P 5C