



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.13970 of 2020

Thangaraj

.. Petitioner

Vs

- 1.The District Collector,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.
- 4.Jeyalakshmi
- 5.Gandhimathi
- 6.Murugavalli
- 7.Manickam
- 8.Amirthavali
- 9.Irulaei
- 10.Latha
- 11.Manonmani
- 12.Nagaeshwari
- 13.Ranjitham
- 14.Lakshmi
- 15.Alangaravalli
- 16.Elangammal
- 17.Indhirani
- 18.Lakshmi
- 19.Ramayaei

.. Respondents

(R4 to R19 impleaded vide Court Order
dated 14.07.2021 made in W.M.P.(MD)
No.6407 of 2021 in W.P.(MD) No.
13970 of 2020 by TSSJ & SAIJ)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the Respondents to remove the encroachments made in the public road comprised in Survey No.151/2 situated at Chinna Rettaiyurani Village, Rettaiyurani Group, Ramanathapuram Taluk, Ramanathapuram District.

For Petitioner

: Mr.I.Velpradeep



For Respondents

: Mr.A.K.Manickam,
Standing Counsel for
Government
For R1 to R3

WEB COPY

O R D E R

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

Heard Mr.I.Velpradeep, learned counsel for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1 to 3.

2.The petitioner seeks for a direction upon the respondents to remove the encroachments made in the public road comprised in Survey No.151/2 situated at Chinna Rettaiyurani Village, Rettaiyurani Group, Ramanathapuram Taluk, Ramanathapuram District.

3.Admittedly, as on date, the property in question is a patta land. The petitioner wants to cancel the patta and then to vacate respondent Nos.4 to 19. In this regard the petitioner has filed W.P. (MD) No.14956 of 2015, which has been disposed of on 18.08.2020, directing the Tahsildar, Ramanathapuram to consider the representation. The petitioner's grievance is that till date the representation has not been considered. Therefore, the petitioner filed contempt petition (MD) No.195 of 2016. In the interregnum, the petitioner seeks the aforesaid relief, which cannot be granted. Therefore, the petitioner should pursue the matter before the appropriate forum and at this juncture, the relief cannot be granted.

4.Therefore, the Writ Petition is disposed of leaving it open to the petitioner to pursue his representation before the District Collector, Ramanathapuram District for cancellation of patta. If any representation is made, the same shall be considered in accordance with law as expeditiously as possible, preferably within three months from the date of receipt of a copy of this order. No costs.

Sd/-

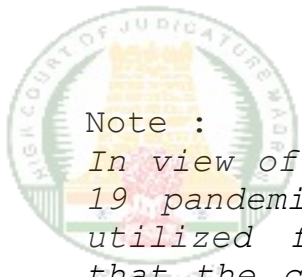
Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj



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,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.I.VEL PRADEEP, Advocate (SR-22639
[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22920[F] dated
16/07/2021)

W.P. (MD) No.13970 of 2020
14.07.2021

MGJ(07.09.2021) 3P 6C