



WEB COPY



W.P. No.27496 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 27496 of 2022

P.Shanthi

... Petitioner

Vs.

1. The District Collector,
Cuddalore, Cuddalore District.

2. The Tahsildar,
Vridhachalam Taluk Office,
Vridhachalam Taluk,
Cuddalore District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent namely the District Collector, cuddalore District, Cuddalore to issue a patta in the name of the petitioner for her house to the extent of 2 cents situated in Block No.68, D.No.74, Cuddalore Main Road, Virdhachalam, Cuddalore District within a stipulated time.

For Petitioner : Mr. R.Vimal

For Respondent : Mr.U.Bharanidharan, SGP

ORDER

The writ petition has been filed seeking a direction to the first respondent to issue a patta in the name of the petitioner for her house to the extent of 2 cents situated in Block No.68, D.No.74, Cuddalore Main Road,



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Virdhachalam, Cuddalore District within a stipulated time.

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2. The case of the petitioner is that the petitioner and her family members are living in the above mentioned address and their ancestors were in possession of the said land for the past 70 years. Therefore, the petitioner has made application on 05.01.2022 before the first respondent for issuance of patta in her favour in respect of the above said land and the same is still pending and however, till date no action is taken by the respondents. Hence, the petitioner has filed the present writ petition before this Court seeking an appropriate directions.

3. The learned counsel for the petitioner submitted that the petitioner has been regularly paying water tax, house tax, property tax, EB etc. to the Government from the year 1952 and therefore, this Court may issue a direction to the respondent to consider the representation dated 05.01.2022 within the stipulated time as fixed by this Court.

4. The learned Addl. Government Pleader submitted that in respect of the very same issue, Public Interest Litigation is pending before this Court for removal of encroachments in Mullah river and this Court, granted interim



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order to remove the said encroachments and pursuant to the said order, entire buildings were removed. That being the situation, the petitioner has made a representation for issuance of patta in respect of the above said property and the said encroachment has also remove and therefore, the present writ petition is not maintainable and the same is liable to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The learned Addl. Government Pleader submitted that the encroachment were removed in Mullah river as per the directions of the Hon'ble First Bench of this Court and the petitioner's possession has also removed. Hence, no mandamus can be issued in this writ petition and therefore, the writ petition is also liable to be closed.

7. Accordingly, the writ petition is closed. There shall be no order as to costs.

27.10.2022

Index : Yes / No

Speaking order : Yes / No

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To

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Cuddalore, Cuddalore District.

2. The Tahsildar,
Vridhachalam Taluk Office,
Vridhachalam Taluk,
Cuddalore District.



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M.DHANDAPANI, J.

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