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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15078 of 2012
and
M.P.(MD)No.1 of 2012

R.Veerasamy ... Petitioner

Vs.

1. The District Collector,
   Thanjavur District,
   Thanjavur.

2. The District Revenue officer,
   Thanjavur.

3. The Tahsildar,
   Orathanadu Taluk,
   Thanjavur District.

4. The President,
   Village Panchayat Board,
   Eachankottai Village,
   Orathanadu Taluk,
   Thanjavur District. ... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, forbearing the respondents from evicting the petitioner's family from the place measuring 25 cents situated at 281-1 and 283-1, Eachankottai Village, Orathanadu Taluk, Thanjavur District without due process of law and further directing the respondents 1 to 3 to issue to the petitioner patta in respect of the above 25 cents.

For Petitioner : Mr.Santhanakrishnan
For R1 to R3 : Mr.D.SasiKumar
Additional Government Pleader
For R4 : No appearance

ORDER

The present writ petition has been filed filed seeking a writ of mandamus, forbearing the respondents from evicting the petitioner's family in 25 cents of land in Survey No.281-1 and 283-1, Eachankottai Village, Orathanadu Taluk, Tanjavur District, without due process of law. The petitioner has further prayed for directing the respondents No.1 to 3 to issue patta in respect of the above said property.

2. According to the petitioner, he is in possession of the above said lands for the past 40 years. He is also paying house tax and family

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card has been issued to him in the above said address. Even as per the admitted case of the petitioner, the said survey numbers are Government Poromoboke lands and he seeks a Writ of Mandamus, forbearing the respondents from evicting him from following due process of law. Hence, the following orders are passed:

(i)The petitioner shall not be evicted without following the Land Encroachment Act.

(ii)As far as the prayer for grant of patta is concerned, it is within the complete discretion of the Government to decide about the granting of patta after considering the eligibility of the petitioner as per the prevailing scheme.

3. With the above said observations, this Writ Petitions is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

jbr

To

1. The District Collector,
   Thanjavur District,
   Thanjavur.

2. The District Revenue officer,
   Thanjavur.

3. The Tahsildar,
   Orathanadu Taluk,
   Thanjavur District.

Order made in
W.P.(MD)No.15078 of 2012

12.07.2022

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