



WEB COPY

W.P(MD)No. 5756 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P (MD)No. 5756 of 2022

and

WMP (MD) Nos.4603 & 4604 of 2022

Jeyapandi

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by the District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur Taluk,
Tiruchendur, Thoothukudi District.
- 3.The Tahsildar,
Sathaankulam Taluk, Thoothukudi District.
- 4.The Block Development Officer,
Sathankulam Panchayat Union Office,
Sathaankulam.
- 5.The President,
Pudhukulam Village Panchayat,
Pudhukulam Village, Thoothukudi District.
- 6.The Inspector of Police,
Sathaankulam Police Station,
Sathaankulam.

7.Balamenon

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire record pertaining to the impugned notice dated 21.03.2022 issued by this fifth respondent and quash the same as illegal and consequently direct the fifth respondent to consider the petitioner's objection and issue a fresh patta in respect of the petitioner's Natham land in Sy.No.1083/22 in Pudhukulam Village, Sathaankulam Taluk, Thoothukudi District.



For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader
for R1 to R4 & R6

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ORDER

[Made by R.VIJAYAKUMAR, J.]

The present writ petition has been filed challenging the order directing eviction of the petitioner from two Survey Nos.1083/21 and 1083/22, situated at Pudhukulam Village, Sathaankulam Taluk, Thoothukudi District.

2. According to the learned counsel for the petitioner, he has got assignment patta for Survey No.1083/21. Admittedly, no notice of eviction was issued to Survey No.1083/21. Further according to the petitioner, Survey No. 1083/22 is a 'Natham' land for which no record has been produced. There is no pleading with regard to the classification and character of the property in Survey No. 1083/22, for which notice has been issued. Learned counsel for the petitioner has relied upon pendency of O.S.No.19 of 2012 before the District Munsif Court, Sathaankulam, wherein, the above suit has been filed for declaration of title and permanent injunction and the same is said to be pending, despite an order passed by the coordinate Bench of this Court vide order dated 13.02.2018 made in W.P(MD) No.12991 of 2012. Though there was a direction by this Court on 13.02.2018, the said order cannot be construed to be in favour of the present writ petitioner, since he is only the seventh respondent in the writ petition.

3. We do not find any grounds to interfere in the eviction notice issued by the Panchayat, in view of the fact that the petitioner could not make out a case for Survey Nos. 1083/21 and 1083/22.

4. Hence, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions would not survive.

Sd/-

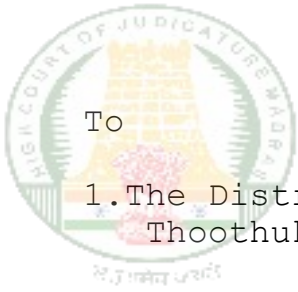
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur Taluk,
Tiruchendur, Thoothukudi District.
- 3.The Tahsildar,
Sathankulam Taluk, Thoothukudi District.
- 4.The Block Development Officer,
Sathankulam Panchayat Union Office,
Sathankulam.
- 5.The President,
Pudhukulam Village Panchayat,
Pudhukulam Village, Thoothukudi District.
- 6.The Inspector of Police,
Sathankulam Police Station,
Sathankulam.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-15762[F] dated 31/03/2022)

+1 CC to M/s.SPL GP (SR-16092[F] dated 01/04/2022)

W.P(MD)No.5756 of 2022
31.03.2022

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KB(07.04.2022) 3P 9C