



W.P.(MD)No.15448 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.15448 of 2022

S.Palanikumar

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.
- 4.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
- 5.The Block Development Officer(V.P)
Panchayat Union,
S.Pudur,
Sivagangai District.



W.P.(MD)No.15448 of 2022

6.The Panchayat President,
S.Pudur Panchayat,
Singampunari Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to remove the encroachment made by the 7th respondent, in Survey No.39, Semmampatti village, Singampunari Taluk, Sivagangai District, as per the representation given by the petitioner dated 10.02.2020.

For Petitioner :Mr.S.Bharathy Kannan

For R1 to R4 :Mr.J.Ashok,

Additional Government Pleader

For R5 & R6 : Mr.T.Amjadkhan

Government Advocate

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to remove the encroachment made by the seventh respondent, in Survey No. 39, Semmampatti village, Singampunari Taluk, Sivagangai District, as per the representation given by the petitioner dated 10.02.2020.



W.P.(MD)No.15448 of 2022

WEB COPY 2.Heard Mr.S.Bharathy Kannan, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 5 and 6.

3.Even though the description of the property is given as stated to be in S.No.39, it is represented by the learned Additional Government Pleader that the appropriate survey number is S.No.42/39.

4.The learned counsel appearing for the petitioner admits that patta has been wrongly issued in favour of the encroacher in respect of a public pathway and therefore, the petitioner may be permitted to move the revenue officials by way of an appeal under the Tamil Nadu Patta Pass Book Act.



W.P.(MD)No.15448 of 2022

5.In view of the submission of the learned counsel for

the petitioner, this Writ Petition is dismissed as withdrawn.

However, liberty is given to the petitioner to approach the third respondent viz., The Revenue Divisional Officer, under Section 12 of the Tamil Nadu Patta Pass Book Act or the Civil Court. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
15.07.2022

Index : Yes / No

Tmg/Ns

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.
- 4.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
- 5.The Block Development Officer(V.P)
Panchayat Union,
S.Pudur,
Sivagangai District.
- 6.The Panchayat President,
S.Pudur Panchayat,
Singampunari Taluk,
Sivagangai District.



WEB COPY



W.P.(MD)No.15448 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

Tmg/Ns

W.P(MD)No.15448 of 2022

15.07.2022