



W.P(MD)No.24310 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.24310 of 2022
and
W.M.P(MD)Nos.18414 & 18415 of 2022**

A.Raman

... Petitioner

VS.

- 1.The District Collector,
District Collector Campus,
Dindigul, Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul District.
- 3.The Tahsildar,
Taluk Office, Dindigul East Taluk,
Dindigul District.
- 4.The Executive Officer/Panchayat President,
Periyakottai Village Panchayat Officer,
Dindigul District.
- 5.The Block Development Officer,
Union Office, Dindigul,
Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the fourth respondent, dated 03.08.2022 and quash the same and consequently, direct the respondents to issue patta for the house of the petitioner in Survey No. 729/1, Kasthuri Naickenpatti, Periyakottai Village, Dindigul East Taluk, Dindigul District.

For Petitioner	: Mr.S.Sankar
For RR 1 to 3	: Mr.S.P.Maharajan Special Government Pleader
For RR 4 & 5	: Mr.N.GA.Nataraj Government Advocate

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.N.GA.Nataraj, learned Government Advocate, takes notice for the respondents 4 and 5. By consent of all the parties, the Writ Petition is taken up for final disposal at the time of admission itself.



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2. The prayer made in this Writ Petition is to issue a Writ of Certiorarified Mandamus, to quash the impugned notice issued by the fourth respondent, dated 03.08.2022 and to direct the respondents to issue patta for the house of the petitioner situated in Survey No.729/1, Kasthuri Naickenpatti, Periyakottai Village, Dindigul East Taluk, Dindigul District.

3. According to the learned counsel for the petitioner, the petitioner has constructed a small house in the subject property, which was classified as Grama Natham. Subsequently, he made a representation, dated 13.08.2020 to the respondents seeking patta to the same. Upon receipt of the same, the first respondent, by communication dated 17.12.2020 forwarded the said representation to the third respondent for taking action and filing a report. While so, pursuant to the order of this court dated 28.04.2021, passed in W.P(MD)No.8709 of 2021 filed by one R.R.Saravana Balagurusamy, the fifth respondent issued a notice, dated 21.06.2021 under Section 131(2) of the Tamil Nadu Panchayat Act, 1994, directing the petitioner to file an appeal before the second respondent with regard to the encroachment. Accordingly, the petitioner filed an appeal before the second respondent. During the pendency of said appeal, the fourth respondent issued the notice, dated 03.08.2022 which is impugned



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herein, directing the petitioner to vacate the house and land within the time stipulated therein, failing which, appropriate action would be taken to remove the encroachment. Aggrieved by the same, the petitioner is before this court with the present Writ Petition.

4. The learned Government Advocate appearing for the respondents 4 and 5, on instructions, submitted that though the petitioner was issued with an eviction notice, no coercive action has been taken against him, till date.

5. Heard all the parties and perused the materials placed before this court.

6. Admittedly, by the notice impugned herein, the petitioner was directed to remove the encroachment in the subject property, failing which, appropriate action would be taken in this regard. However, the said notice was not acted upon, so far. Such being the position, having regard to the fact that the petitioner's application dated 13.08.2020 seeking patta is pending consideration and also as agreed by the learned counsel appearing for both sides, this court deems it appropriate to direct the authority



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concerned to consider the said application of the petitioner seeking patta for the subject property and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the respondent authorities shall maintain *status quo* as on date.

7. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.10.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
District Collector Campus,
Dindigul, Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul District.

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- 3.The Tahsildar,
Taluk Office, Dindigul East Taluk,
Dindigul District.
- 4.The Executive Officer/Panchayat President,
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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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20.10.2022