



W.P(MD)No.28056 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.28056 of 2022
and W.M.P(MD)No.22135 of 2022**

- 1.Pushpam
- 2.Palaniyammal
- 3.Panchavarnam
- 4.Muthulakshmi
- 5.Lakshmi
- 6.Rajeshwari
- 7.Vasantha
- 8.Indirani
- 9.Marimuthu
- 10.Vijayakumar
- 11.Venkai

... Petitioners

VS.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Illuppur,
Pudukkottai District.
- 3.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.



W.P(MD)No.28056 of 2022

WEB COPY

- 4.The Regional Joint Director,
Department of Animal Husbandry,
Pudukkottai.
- 5.The Assistant Director,
Department of Animal Husbandry,
Illuppur,
Pudukkottai District.
- 6.The Village President,
Vaithur Village Panchayat,
Vaithur Village,
Kulathur Taluk,
Pudukkottai District.
- 7.Sathiyamoorthy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to complete the proceeding in O.Mu.No.4819/2021/A1, dated 27.09.2021 by considering the petitioners' representation, dated 08.09.2021 along with resolution passed by the sixth respondent in the year 2012, 2020, 2021 and 2022 respectively.

For Petitioners : Mr.M.Ramu

For RR 1 to 5 : Mr.K.Balasubramani
Special Government Pleader



W.P(MD)No.28056 of 2022

WEB COPY

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioners have filed the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to complete the proceeding in O.Mu.No.4819/2021/A1, dated 27.09.2021 by considering the petitioners' representation, dated 08.09.2021 along with resolution passed by the sixth respondent in the year 2012, 2020, 2021 and 2022 respectively.

2.According to the petitioners, they have been in continuous possession and enjoyment of the property comprised in Survey No.68/1, which is unobjectionable Government poramboke land and these petitioners have paid property tax and electricity charges. The Village Panchayat has passed a resolution recommending the conversion and to issue patta in favour of the petitioners. While being so, the petitioners came to know that the aforesaid property belonged to the Animal Husbandry Department, namely, the fifth respondent. The petitioners have made a representation before the second respondent seeking for conversion and to issue patta in



W.P(MD)No.28056 of 2022

WEB COPY

favour of them and the same is pending for consideration. While so, the seventh respondent preferred a Writ Petition before this Court in W.P(MD)No.17845 of 2021 seeking for removal of encroachments in the abovesaid Survey No.68/1 and this Court, by order, dated 27.10.2022, directed the respondent authority to remove the encroachments in the subject property, after giving due notice to all the parties concerned and by following due process of law, within a period of eight weeks. Relying upon the communication issued by the Revenue Divisional Officer, Illuppur addressed to the Tahsildar, Kulathar, considering the request of the petitioners for granting patta, the petitioners have filed the present Writ Petition.

3.Per contra, the learned Special Government Pleader appearing for the respondents 1 to 5 has produced the communication of the Tahsildar, Kulathur addressed to him and submitted that the aforesaid land is classified as “மேய்ச்சல்தரை”. Thus, patta cannot be granted to the petitioners and therefore, the prayer as sought by the petitioners for considering the representation cannot be considered in the light of the stand taken by the Tahsildar, Kulathur.



W.P(MD)No.28056 of 2022

WEB COPY

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

5.Admittedly, the aforesaid property is classified as “gracing floor”, which comes under the control of the fifth respondent Department. The fifth respondent also issued notice to the petitioner for removal of the encroachments.

6.In view of the above facts and circumstances, no relief is granted to the petitioners as prayed in the Writ Petition. Accordingly, this Writ Petition is dismissed. However, this order will not preclude the petitioners seeking for alternative land to approach the authority concerned. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
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[D.K.K.,J.] [R.V.,J.]
14.12.2022



W.P(MD)No.28056 of 2022

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