



WEB COPY



W.P. No.1342 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.1342 of 2020

M. Kailasam

Petitioner

v

1 The Additional Chief Secretary
Revenue Department
Chennai 600 009

2 The District Collector
Dharmapuri District

3 The Sub Collector
Dharmapuri District

4 The Tahsildar
Karimangalam Taluk
Dharmapuri District

5 Rajendran

Respondents

Writ Petition preferred under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 11.06.2019 to remove the illegal encroachment by the fifth respondent in S.No.206/1 of Pannikulam Village of Karimangalam Taluk, Dharmapuri District and cancel the patta issued to the fifth respondent within a stipulated time.



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For petitioner	Ms. T. Amirtha Varshini for Mr. K. Thiruvengadam
For RR 1 – 4	Mr. A. Selvendran Special Government Pleader
For R5	No appearance

ORDER

(made by S. VAIDYANATHAN, J.)

The prayer in this writ petition is for a direction to the respondents 1 to 4 to consider the petitioner's representation dated 11.06.2019 which was submitted seeking to remove the illegal encroachment made by the fifth respondent in S.No.206/1 of Pannikulam Village of Karimangalam Taluk, Dharmapuri District and cancel the patta issued to the fifth respondent, within a stipulated time.

2 Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that she has no instructions from the petitioner.

3 The fourth respondent has filed a counter affidavit dated 03.10.2020, wherein, it has been stated that the land in question in S.No.206/1 in Panaikulam Village, Karimangalam Taluk, Dharmapuri District, is a patta land and not a poromboke land and that the fifth respondent has filed a suit in



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injunction restraining the petitioner herein from interfering with his peaceful enjoyment of his patta land and that the suit was decreed on 04.07.2017, suppressing which, the present writ petition has been filed.

4 In the light of the aforesaid categorical averment in the counter affidavit, we are of the view that on the ground of suppression of facts alone, this writ petition is liable to be dismissed with costs. However, given the fact that the learned counsel for the petitioner has enrolled recently, we refrain from imposing costs.

In fine, this writ petition stands dismissed with the aforesaid observation. Costs made easy.

(S.V.N., J.) (K.R.S., J.)
14.12.2023

cad

To

1 The Additional Chief Secretary
Revenue Department, Chennai 600 009

2 The District Collector
Dharmapuri District

3 The Sub Collector
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4 The Tahsildar
Karimangalam Taluk, Dharmapuri District



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and

K. RAJASEKAR, J.

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