



WEB COPY

W.P.No.19039 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19039 of 2013

and

M.P.Nos.1 & 2 of 2013

Jothimani @ Samboornam

... Petitioner

Vs.

1.The State Rep by
The District Collector
District Collector Office
Theeran Chinnamalai Maligai
Erode District
Erode – 11.

2.The State Rep by
The Thasildar
Thasildhar Office
Erode.

3.Thavasiyammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records sequel to the impugned patta issued by the second respondent dated on 15.06.2010 and to quash the same consequently direct the respondents to issue the patta in favour of the petitioner on pursuant to the petitioner representation dated



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24.06.2013.

W.P.No.19039 of



For Petitioner	: Mr.R.Thirumoorthy
For R1 & R2	: Mr.T.Arun Kumar Additional Government Pleader
For R3	: Mr.M.Guru Prasad

ORDER

The patta issued in favour of the 3rd respondent in proceedings dated 15.06.2010 is under challenge in the present writ petition.

2. The petitioner states that she own a house along with the land to an extent of 1½ cents. The family of the petitioner is residing in the premises. The petitioner states that she is continuously paying tax to the said property and submitted an application seeking patta. The case of the 3rd respondent was considered and patta was granted. However, the petitioner was not issued with patta and thus, she is constrained to move the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 made a submission that the petitioner is in occupation of the Government land. The entire area is the Government Poramboke land and therefore, the petitioner is an encroacher and not entitled



to seek the relief of patta from this Court. The authorities competent has not granted patta in view of the fact that the petitioner is an encroacher. Whether the 3rd respondent is also an encroacher or not, is to be verified by the respondents 1 and 2. However, the fact remains that the petitioner is in occupation of the Government Poramboke land and therefore, the relief as such sought for to grant patta by citing the case of the 3rd respondent cannot be granted.

4. The respondents 1 and 2 are directed to conduct a field inspection and ascertain the factual position and initiate all appropriate action in the manner known to law.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.06.2023
(3/4)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

1.The District Collector
District Collector Office
Theeran Chinnamalai Maligai
Erode District
Erode – 11.

2.The Thasildar
Thasildhar Office
Erode.

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S.M.SUBRAMANIAM, J.

Jeni

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