



W.P.No.6346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2023

Coram:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.No.6346 of 2023
and
W.M.P.No.6383 of 2023

M.Ananthi

.. Petitioner

Vs.

1. The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai-606 601.
2. The District Revenue Officer,
Collectorate Buildings,
Vengikkal,
Tiruvannamalai-606 601.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai-606 601.
4. The Municipal Commissioner,
Municipal Office,
Tiruvannamalai-606 601,
5. The Thasildar,

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Taluk Office,
Tiruvannamalai-606 601.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the show cause notice of the fourth respondent herein passed in Na.Ka.No.4411/2021/F1, dated 20.01.2023 and quash the same and subsequently direct the respondents to consider the petitioner's representation on 23.11.2022.

For petitioner : Mr.G.Mutharasu for M/s.K.Gangadaran

For respondents: Mr.P.Muthukumar, State Govt.Pleader for RR-1 to 3 & 5
Mr.L.P.Maurya for R-4

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the show cause notice of the fourth respondent herein passed in Na.Ka.No.4411/2021/F1, dated 20.01.2023 and quash the same and subsequently direct the respondents to consider the petitioner's representation on 23.11.2022.

2. The petitioner has stated that this Court, by order dated 12.11.2021

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in W.P.No.24251 of 2021, has directed to remove the encroachment only in S.No.335/24 and under the guise of removing the encroachment in the said Survey Number, an attempt was made to evict on the ground that she has encroached. It is submitted that the petitioner has been paying regular electricity charges and that she is also having a Patta. We make it clear that the possession of Patta will not confer any title to the property, unless it is free Patta given by the Government to the land-less poor persons. In the present case on hand, the contention of the petitioner is that she was given notice only on 20.01.2023, which was purported to be a final order and that she was asked to remove the encroachment on her own, failing which, eviction proceedings may be taken. The said contention of the petitioner may not be correct, in view of the fact that she has already been issued a notice on 12.12.2022, for which, a reply has already been given on 26.12.2022. The authority has passed the impugned order on 20.01.2023 stating that as per the Revenue Records, the place under dispute is classified as "Street". The Revenue Record extract from the Town Survey Land Register has also been produced to show that the said Survey Number which the petitioner claims to own and paying electricity charges, is classified only



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as "Street" and not to be used for residential purpose or other occupation.

Moreover, the sketch produced by the petitioner in the typed set of papers in page 18 makes it clear that S.No.335/24 is classified only as "Street".

3. Hence, we are of the view that the relief sought for by the petitioner cannot be granted. If the petitioner is not going to vacate the place under dispute within a period of three working days from the date of receipt of a copy of this order, it is open for the respondents to remove the encroachment made by the petitioner, with the assistance of the jurisdictional Police. If not vacated within the said time stipulated and in case any belongings in the encroached place are destroyed, the officers who are going to remove the encroachment, will not be held responsible.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

(S.V.N., J) (R.K.M., J)
03.03.2023

Index: Yes/no
Speaking Order: Yes/no
Neutral Citation: Yes/no
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S.VAIDYANATHAN, J

and

R.KALAIMATHI, J

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