



W.P.No.13601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.13601 of 2023

Umalakshmi

.. Petitioner

Vs.

1. The Tahsildar
Mettur Taluk Office
Mettur
Salem District.

2. The Commissioner
Mettur Municipality
Mettur
Salem District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the impugned notice of the second respondent in Na.Ka.No.3651/20202/F1 dated 23.03.2023 and quash the same and direct the first respondent to issue patta in respect of the property in Door No.6/31 A1, Thookkanampatty, Mettur Taluk, Salem District, total



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to the extent of 0.002280 sq.ft., ward No.B, Block No.7 in Town Survey No.1, based on the representation of the petitioner dated 24.03.2019 and direct the second respondent not to proceed for evicting the petitioner from the said premises.

For the Petitioner : Mr.M.Senthilkumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondent-1

Mr.L.P.Maurya
Standing Counsel
for Respondent-2

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner is challenging the notice issued by the second respondent requiring her to vacate the land in question within 15 days.

2. According to the petitioner, she is in possession and enjoyment of the property in Door No.6/31 A1, Thookkanampatty, Mettur Taluk, Salem District, of extent of 0.002280 sq.ft., ward No.B, Block No.7 in Town Survey No.1, since 1995 without any hindrance, after the death of her parents, along with her brother and sisters and has been paying water and electricity charges. She applied for patta to



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the first respondent on 24.03.2019. While so, the second respondent attempted to evict her from the premises and hence, she filed a suit in O.S.No.166 of 2019 before the Sub Court, Mettur and the same is pending. In the meanwhile, on 23.03.2023, the second respondent issued the impugned notice directing her to vacate from the land in question. Hence, the above writ petition.

3. It is stated that one Munusamy and four others have also filed a suit before the District Munsif, Mettur against the second respondent and also obtained an order of interim injunction. However, the said suit was dismissed for default.

4. Learned counsel for the petitioner submitted that the property in question is classified as Government poramboke and therefore, the second respondent does not have any right over the same.

5. In reply, learned Standing Counsel appearing for the second respondent submitted that the land in question has been classified as Sarcar poramboke and it has been shown as the property belonging to



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the second respondent.

5. In view of the statement made by learned counsel for the second respondent, we do not find any merit in this writ petition. Accordingly, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, WMP Nos.13551 and 13552 of 2023 are also dismissed.

(T.R., ACJ.) (D.B.C., J.)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Tahsildar
Mettur Taluk Office
Mettur
Salem District.
2. The Commissioner
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

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