



WEB COPY

W.P.(MD) No.2183 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.2183 of 2023

Varusanadu Pagudhi Kanmaai Pasana

Vivasayigal Sangam,

(Regn. No.247/2019),

Represented by its Secretary M.P.Thirumurugan,

No.17, Kootutheru, Varusanadu,

Andipatti Taluk,

Theni District – 625 579.

... Petitioner

-VS-

1.The District Collector,

Theni District.

2.The Revenue Divisional Officer,

Periyakulam Sub Division,

Periyakulam, Theni District.

3.The Tahsildar,

Andipatti Taluk,

Theni District.

4.The Block Development Officer,

Mayiladumparai Panchayat Union,

Theni District.

5.P.N.S.Gopinath

6.Sheeladevi

7.Veni

8.S.Chinnammal

9.M.K.Subramani

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from granting 2C patta to the respondents 5 to 9 in and around Panjanthanki Kanmai in Survey No.550 at Varusanadu Village, Mayiladumparai Panchayat Union, Andipatti Taluk, Theni District, based on the petitioner's representation dated 31.10.2022.

For Petitioner : Mr.R.Shankar Ganesh

For RR 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting 2C patta to the respondents 5 to 9 in and around Panjanthanki Kanmai in Survey No.550 at Varusanadu Village, Mayiladumparai Panchayat Union, Andipatti Taluk, Theni District, based on the petitioner's representation dated 31.10.2022.

2. Learned counsel appearing for the petitioner would submit that since some of the encroachers in the guise of enjoying 2C



patta have encroached even the water body, writ petitions in W.P(MD)Nos.2344 and 3002 of 2020 have been filed for removal of the encroachment and this Court, by order dated 20.03.2020, has passed an order stating that the encroachers, who were enjoying the benefit of 2C patta should be removed. Therefore, the petitioner has filed the present Writ Petition.

3. Learned Government Pleader appearing for the respondents 1 to 4 would submit that the present Writ Petition is a premature and there is no justification to entertain the Writ Petition. The respondents have not taken any decision to issue 2C patta to anyone and only with an apprehension, the petitioner has filed the Writ Petition and therefore, the same is liable to be dismissed.

4. Recording the submission made by the learned Government Pleader, this Writ Petition stands closed. No costs.

[T.R., A.C.J.] [D.K.K., J.]
03.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
vsm/ps



W.P.(MD) No.2183 of 2021

To

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Periyakulam Sub Division,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Andipatti Taluk,
Theni District.
- 4.The Block Development Officer,
Mayiladumparai Panchayat Union,
Theni District.



WEB COPY



W.P.(MD) No.2183 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

vsm/ps

ORDER MADE IN
W.P.(MD) No.2183 of 2023

DATED : 03.02.2023