



W.P(MD)No.2463 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.2463 of 2023

and

W.M.P(MD)Nos.2241 to 2243 of 2023

1. J.Raju

2. R.Florence

... Petitioners

vs.

1. The District Collector,
O/o. District Collectorate,
Viruthunagar District.

2. The Thasildar (Revenue),
Viruthunagar,
Viruthunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 25.01.2023 and quash the same with consequential direction directing the respondents to issue patta in the name of the 2nd petitioner with respect to the land in Sy.No.213/4 at Sevalpatti, Kooraikundu Village, Virudhunagar District.



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For Petitioners

**: Mrs.Porkodi Karnan for
M/s.Polax Legal Solutions**

For R1 & R2

**: Mr.K.Balasubramani
Special Government Pleader**

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Challenging the eviction notice dated 25.01.2023 issued by the 2nd respondent, this writ petition is filed to quash the same with a consequential direction directing the respondents to issue patta in the name of the 2nd petitioner with respect to the land in Sy.No.213/4 at Sevalpatti, Kooraikundu Village, Virudhunagar District.

2. Learned counsel for the petitioner submitted that Survey No.213/4 is a natham poramboke land and therefore, the respondents cannot have any right to disturb the possession of the petitioner in the said survey number.



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3. Learned Special Government Pleader appearing for the respondents has produced the communication of the 2nd respondent in Na.Ka.B1/6077/2022 dated 08.02.2023 and submitted that pursuant to the order passed by this Court in W.P(MD)No.23873 of 2022, dated 17.10.2022, Section 7 notice was issued to the 1st petitioner stating that he has encroached upon S.Nos.213/4 and 213/7, for which, he submitted an explanation that he has not made any such encroachment, whereas he has applied for issuance of patta in respect of Survey No.213/4, but considering the fact that the said survey number is classified as street in the revenue records, his request for issuance of patta was rejected.

4. In view of the aforesaid submission, we are not inclined to entertain the writ petition. If the petitioner is aggrieved by the impugned notice issued under Section 6 of the Tamilnadu Land Encroachment Act, 1905, it is open to him to challenge the same by filing an appeal under Section 10 of the Tamilnadu Land Encroachment Act, 1905 and establish his continuous possession of the property in question.



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WEB COPY 5. Accordingly, this Writ Petition is dismissed. No costs.

Connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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[D.K.K.,J.] & [L.V.G.,J.]
09.02.2023

To

1. The District Collector,
O/o. District Collectorate,
Viruthunagar District.

2. The Thasildar (Revenue),
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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.2463 of 2023
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